

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #01-13**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**TUESDAY, JANUARY 8, 2013 - 6:30 P.M.**

|                                       | <u><b>PRESENT</b></u> | <u><b>ABSENT</b></u> | <u><b>EXCUSED</b></u> |
|---------------------------------------|-----------------------|----------------------|-----------------------|
| Rich DeGrandpre, 11 Timber Ridge Road | x                     |                      |                       |
| James Hendricks, 21 West Street       | x                     |                      |                       |
| Katherine Arno, 76 Pleasant Hill Road |                       |                      | x                     |
| Kristina Egan, 5 Weston Point Road    | x                     |                      |                       |
| Melanie Sachs, 84 Kelsey Ridge Road   | x                     |                      |                       |
| Andrew Wellen, 83 Hunter Road         | x                     |                      |                       |

Chair Hendricks called the meeting to order at 6:30 p.m. and took the roll.

**FIRST ORDER OF BUSINESS:** Pledge of Allegiance

Everyone stood and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the Minutes of Meeting #27-12 held on December 18, 2012 and to accept the Minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the Minutes of Meeting #27-12 held on December 18, 2012 and to accept the Minutes as printed. (DeGrandpre & Egan)

**VOTE:** (6 Ayes) (1 Excused—Arno)

**THIRD ORDER OF BUSINESS:** Announcements

Mr. Joseph announced that the RSU5 Board of Directors would be meeting tomorrow evening, January 9 at 6:30 p.m. in the High School Library. There will be a presentation by the High School Facilities Committee on conceptual drawings, budget and recommendations to the Board. Councilors have been invited to attend. On January 23 the Board of Directors will meet at 6:30 p.m. and vote whether or not to send the project out to referendum.

Chair Hendricks announced that:

FreeportTalks needs your input:

- What do you think about the draft rules and policies for the Hunter Road Fields project?
- What do you think about the use of loud speakers at the Hunter Road Fields?

If anyone wants to make an idea part of FreeportTalks, please go to [www.Freeporttalks.org](http://www.Freeporttalks.org).

The Appointments Committee will be holding interviews to fill vacancies on the Planning Board and the Project Review Boards. Freeport residents with interest or skills in planning, historical preservation, environmental protection, etc. should submit their applications to the Town Clerk's office by January 15, 2013. Applications are available at Town Hall and on the Town's website.

Dog Licenses expired on December 31. If a resident no longer has a dog, they should notify the Town Clerk. To avoid a late fee of \$25, residents need to license their dogs before January 31. To

register a dog online, residents can go to the link under ONLINE SERVICES on the Town's website's home page. A Rabies Clinic and dog licensing will be held on Saturday, January 26 from 9 a.m.-Noon at Town Hall. Shots are \$15.

**FOURTH ORDER OF BUSINESS:** Information Exchange

Councilor DeGrandpre explained that the Hunter Road Fields Committee would be meeting Thursday morning here in Council Chambers. There will be discussion on where they are going on some of the subjects that are on Freeport Talks. He asked folks that are interested to check the calendar and confirm the time.

**FIFTH ORDER OF BUSINESS:** Town Manager's Report

Mr. Joseph explained that the Town has been having glitches with its e-mail system. He and the Finance Director have been following up on this and the explanation we have been given is that it is a time sync problem that occurs over the weekend. The problem has been identified and we are going to take care of it.

He recognized the Public Works Department for working such long hours over the past two holiday weeks. He thanked them for taking the time away from their families during the holidays and keeping our roads and sidewalks clear.

The Town's annual donation drive has generated approximately \$8,000 for the Heating Assistance Fund, approximately \$7,000 for the Library fund and approximately \$5,000 for the Fire/Rescue Fund. Johanna Hanselman has reported that she has provided heating assistance to 26 households.

The Finance Department has received letters of interest from four auditing firms who wish to be considered for selection as the Town's auditor. A pre-bid meeting will be held with the interested firm on January 22, with bids due on February 5.

According to the Codes Enforcement Officer, the Town has issued 21 building permits for single-family homes as of the end of December 2012. Only 14 building permits were issued in 2011 so hopefully this is indicative of a return to steady development as the economy and the housing market rebounds.

The Town Engineer Albert Presgraves and our Consulting Engineer Albert Palmer have an informal pre-application meeting with DEP officials next week regarding the Hunter and Pownal Road Site Location Permit. Mr. Joseph is hoping to be able to bring a draft of the permit after this meeting to the Town Council for review at the February Council meeting. Mr. Palmer is investigating the feasibility of including elements discussed at the community charette on the permit application. These include additional parking at Pownal Road, a connector road between the two fields, and potential for future trail development, among other items. Also included in the permit will be alternatives to the stormwater management plan presented to the Council previously. He is hopeful that an alternative stormwater management plan will be significantly less costly than the original plan presented. When the draft application is presented, we will be seeking input on additional elements according to the charette, as well as cost for the project from the Council. There will be time to fine-tune the application after Council input and before submission to DEP, if the application is otherwise generally acceptable to the Council. DEP has given us a target of late February for submission of a permit application.

The Freeport Community Library is now part of the statewide interlibrary loan system. This system allows patrons to request books through our Library from other libraries across the state. Books will be delivered for pickup at the Freeport Library by van at no cost to the patron. For more information, please visit the Library or call them at 865-3307.

A picture of the Hunter Road Field House was included in the report showing that the shell of the building is taking shape.

**SIXTH ORDER OF BUSINESS:** Public Comment Period – (Non-Agenda Items Only)

Chair Hendricks asked for a show of hands from people intending to speak. He mentioned that the three-minute rule would be in effect. He asked people to state their names and mention where they live.

**MOVED AND SECONDED:** To open the Public Comment Period. (DeGrandpre & Egan) **VOTE:** (6 Ayes) (1 Excused—Arno)

John Lowe of Ledgewood Lane explained that he would like to know what is going on with the rebuilding of Griffin Road and Route 125. He wants to be sure alternative lanes will be added when it is rebuilt and there will be an opportunity for public input. He feels Freeport Talks is a good program but feels the topics should stay on longer, perhaps up until a week before the Council discusses them. He suggested putting items that the Council is discussing on Freeport Talks. He would like to find some way to get more interested people to provide input on those topics. He plans to speak later on the Quiet Zones.

Mac Lloyd of Lower Flying Point referred to the DEP and the Hunter Road Fields project. When we got the charette results, no one took authority on the results of them. He asked if that group has been notified of the results of the charette so there is some agreement to the group that was at the charette and also what is being taken to DEP for results in the sense of the access road and the parking at the Pownal Road field. There was no sort of conclusion to all of that. Everybody just got notified that these were the results but nobody has confirmed that these are the results of the charette. He had another question—has anybody talked to the RSU about the amount of money we are actually spending or are going to spend for water treatment at the Pownal Road field? What is the quality of the Pownal Road field? How good is it? Has anybody talked to the RSU about perhaps taking the money being spent on creating parking at Pownal Road field and creating an access road and putting it into a beautiful football field/soccer field at the RSU? It seems we are taking a lot of money to fill in something for a football field that is poorly constructed already and not really well drained, etc. We are spending a lot of money creating parking at the Pownal Road field. Are we then going to have to spend a lot of money rebuilding the Pownal Road field? Should we take all that money and put it towards a facility at the RSU, which everybody could use? He noted that the Pownal Road field could be turned back into trees at which point we would not have to spend all this money mitigating water, etc. and if we have that money, we could put it into a good facility at the high school. The reports are that the Pownal Road football field is pretty crummy.

Jack Maier of 39 Elm Street referred to the Town's audio, video and whatever is going— on the 12<sup>th</sup> of December there was a Council meeting. He doesn't have cable so he has to view it on the Internet. He got a closed picture frozen with the workshop and ended up a day later with the last part of the meeting showing people talking on the Quiet Zone. Today he was able to get everything back and could listen to it. He questioned what are we doing about videos and the reports that we see on here. Does anyone have any idea of what is going on? He can hardly hear the audio and has to move everything up and down. He has talked to three Councilors. He feels we are paying a lot of good money for this and wonders why we are not getting results. He asked how we could upgrade it. He suggested that Councilors look at what is going out on the Internet and view what the public is getting. He feels the Town is not getting its money's worth and information is being lost to the public that is watching.

**MOVED AND SECONDED:** To close the Public Comment Period.  
(DeGrandpre & Egan) **VOTE:** (6 Ayes) (1 Excused—Arno)

**SEVENTH ORDER OF BUSINESS:** To take action on the following items of business as read by the Council Chairperson.

ITEM #1-13                      To consider action relative to proposed amendments to Chapter 49: Vehicle Towing Ordinance. **PUBLIC HEARING**

**MOVED AND SECONDED:** That the Public Hearing be opened. (DeGrandpre & Egan) **VOTE:** (6 Ayes) (1 Excused—Arno)

Police Chief Schofield explained the reason for adding a clause in the Ordinance that will allow the Brunswick towing companies to apply the towing fees outlined in the Town of Brunswick's Towing Policy Guidelines.

**MOVED AND SECONDED:** That the Public Hearing be closed. (DeGrandpre & Egan) **VOTE:** (6 Ayes) (1 Excused—Arno)

**BE IT ORDERED:** That the proposed amendments to Chapter 49: Vehicle Towing Ordinance be approved. (DeGrandpre & Egan) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—Arno)

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ITEM #2-13                      To consider action relative to proposed amendments to Chapter 21: Freeport Zoning Ordinance pertaining to the Village Parking Requirements (Sections 413 and 514), Site Plan Review (Sections 521 and 602), Agriculture (Section 104), and Affordable Housing (Sections 407, 414, 415, 417 and 418).

**BE IT ORDERED:** That Public Hearings be scheduled for January 22, 2013 at 6:30 pm in the Freeport Town Hall Council Chambers to discuss the following proposed amendments to Chapter 21: Freeport Zoning Ordinance:

1. Village Parking Requirements (Sections 413 and 514);
2. Site Plan Review (Sections 521 and 602);
3. Agriculture (Section 104); and
4. Affordable Housing (Sections 407, 414, 415, 417 and 418).

**BE IT FURTHER ORDERED:** That copies be distributed equally between the Town Clerk's Office, the Town Manager's Office and the Freeport Community Library for inspection by citizens during normal business hours and the notice be placed on Freeport's local cable channel 3 and the Town's website. (Sachs & DeGrandpre)

Town Planner Donna Larson provided some history on the Village Parking Requirements. She explained that there is no shortage of parking. There are excess parking spaces at this time. She answered questions for Councilors. She explained that the consultant used "grandfathered" and "non-compliant" interchangeably but the real word to be used is "legal non-conforming."

Ms. Larson also explained the proposed Site Plan Review amendments. The Project Review Board decided to take a look at the Ordinance and they are making it more user friendly. They are now working on the Design Review Ordinance.

Under Agriculture, local farmers expressed an interest in selling products on their land and the farm stand regulations in place made it difficult for them to have farm stands. In the proposal is an easing of farm stand regulations but the Town will still have some oversight on things such as backing into roads, etc. Things such as hayrides are now listed as an accessory use. We have two different uses—agriculture and animal husbandry.

Councilor Wellen noted that he wants to know what is allowed or not allowed in the last sentence. Does this mean that the only thing allowed beyond animal husbandry is cross-country skiing, hayrides and hiking trails or does it say one can do something else? It is not clear to him. Ms. Larson agreed that the scope could be narrowed and there may be things the Council would want to add. It's something to think about for when the public hearing comes up. The Council can make adjustments.

Affordable Housing—Ms. Larson noted that there are two different types. One is more targeted to rental housing but is not limited to rental housing and the other is more targeted to single-family housing. She explained the requirements that have to be met for both housing types.

Councilor Wellen asked if there were different viewpoints from the public when this was discussed and if there are Minutes that he could look at. Ms. Larson indicated that the answer is “yes”. This took some time to develop and there were public comments provided.

**ROLL CALL VOTE:** (6 Ayes) (1 Excused—Arno)

Chair Hendricks asked Ms. Larson to have some Planning Board members attend the January 22nd Council meeting.

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ITEM #3-13

To consider action relative to the Town of Freeport requesting quiet zone status from the Federal Railroad Administration.

**BE IT ORDERED:** That Town Staff be authorized to prepare and make application with the Federal Railroad Administration for Quiet Zone status. (Wellen & DeGrandpre)

Chair Hendricks pointed out that Mr. Joseph, Mr. Presgraves and local resident and engineer Ken Brown did an extremely good job in creating quite a bit of information as far as talking about how the process works and they put together every kind of scenario that could be. Tonight Mr. Joseph and Mr. Presgraves will provide a presentation and then the meeting will be opened up for public comment. After public comment, discussion will be brought back to the Council level.

Mr. Joseph explained that they started out looking at the difference between the designation and application procedure. There are substantially the same guidelines but the application process is handled by calculations and ruling by the Federal Rail Authority (FRA) and the designation process is handled by the local public authority. He displayed slides showing a summary of several Quiet Zone options for everyone's review and explained each one of them.

Mr. Joseph noted that Brunswick instituted a Quiet Zone in their town without doing any safety measures.

They didn't get any feedback from the FRA or Department of Transportation (DOT). He mentioned that if we move forward, we should request a traffic study from DOT exactly at the crossing points. Councilor Egan noted that the red traffic figures shown on four intersections are above the national safety risk index and represent a significant risk to the public. If we are looking at this from a public safety perspective, we want to make sure that we are doing something about the most risky intersections.

Mr. Joseph suggested asking FRA if we should use the traffic numbers they show on their quiet zone calculator on their website or if they want more accurate numbers. The Town has to give the FRA a 60-day comment period to address safety concerns about its crossings. After the comment period, if the Town decided to designate, the process has a 21-day notification period. There could be an annual review.

He explained the Town's liability exposure under a Quiet Zone scenario and answered questions for Councilors.

Mr. Joseph and Mr. Presgraves met with Senator Gerzofsky and Representative Gideon on January 3 and determined that the best course of action would be for the Town to continue with the Quiet Zone submission if the Council decides, and keep both State legislators in the loop. They will work with us to explore cost sharing possibilities with the State and also with the rail agencies involved. Once we come to a decision, we should let them know.

Mr. Joseph reviewed the railroad safety education and awareness actions that are being conducted. He also explained signage saying "train whistle does not sound here" would cost approximately \$50 per sign.

Mr. Joseph pointed out that the Council must decide which track to pursue this on. He has been assured by the DEP that clean-up will start in Portland and will move up here in the spring or summer. Councilor DeGrandpre noted we will need to look at the culverts that were damaged and he hopes someone will take responsibility for the damages.

Chair Hendricks opened the public portion of the meeting and requested that citizens keep their comments under three minutes. He explained that if anyone has specific questions, Councilors will write them down and will provide answers at the end.

Jack Maier of 39 Elm Street had a question— assuming we are going to have a quiet zone, what will be the cost for changing the snow dump? On Monday from 11 p.m. to 6 a.m. all the residents on Snow Road, Elm Street and Holbrook Street had to listen to the trucks banging their tailgates as they unloaded their snow loads. There were three bangs per truck. During the day, the trucks brought snow to the landfill. He understands that it is cheaper to drop off the snow in Freeport rather than driving it to the landfill. His point is if the Council wants to stop the train whistle, he understands there aren't as many snow calls during the year, but what is good for the goose is good for the gander. He would like the Council to look at the next situation and what it will cost.

John Lowe of Ledgewood Lane indicated he doesn't mind train whistles. He used to live on School Street and listened to freight trains at night. These trains had as many as 100 cars and moved slowly and clanged for as much as a half hour. We didn't have crossing gates at that time. Now we have lights, bells, gates and plenty of signage at all of the crossings. If there should be additional lights anywhere, it should be at the top of East Street to warn people when it is icy and prevent them from sliding through the gates into a train. He feels the Town and the rail has done a pretty good job as far as warning people that a train is coming. It would not bother him if the Council decides to vote and go for a Quiet Zone. He suggested trying it. He does not want to see the Town spend hundreds of thousands of dollars putting in channelization and other things. People that will not obey what is there now probably will not obey channelization or anything else. They will somehow find a way to get around and cross the tracks when

they are not supposed to if they are foolish. People need to be responsible for their own actions. He would like to see the Council adopt a position that if we are going to spend Town funds of any significance, that the process go to the Town voters on a ballot and we not spend hundreds of thousands of dollars adding additional gates and things which we probably do not need. He requested that this be included in the Minutes and if the Council could agree to it, he suggested they put it as an amendment to whatever is decided here so that later on in a year or so down the road, and they say we have to add gates or something else, we'll be saying we have to look for this money and where will it come from? It will come perhaps from the money the Town was going to use to repair Route 125 or some other Town projects. He feels that Freeport residents should have an opportunity to vote on this. He mentioned how Freeport residents got together and paid for the Burnett Bridge and the Performing Arts Center when they had an opportunity to vote.

Marie Gunning of Telos Road noted she has no opinion on Quiet Zones but feels the project has become problematic and is growing increasingly costly for the Town. She feels there should be discussion on a town-wide basis. We don't want to pit neighbor against neighbor arguing for and against. She is not here to advocate one way or another. From a process perspective, The Council has a chance to show leadership on an economic development and project basis. Our Charter specifically says anything over \$100,000 and is going to bond, has to have a public vote. We should have the same stipulation for anything over \$100,000. We have better projects because these kinds of issues are fleshed out up front. How did we get to this point that we didn't know Quiet Zones would be an issue and there would be an impact on our neighbors? When this was under discussion in the budget process, residents stood up and asked, "how much is this going to cost?" We were told \$40,000. At the next budget when asked "how much is this going to cost?" Residents were told \$60,000 and she has this in writing. The same night that the Council was signing the lease for this, it went into Executive Session and tried to get access to the platform. Soon after the Town had to buy land or an easement that cost over \$100,000 for parking spaces and now we have the Quiet Zone discussion, and there is no long-term parking for this.

She asked if the Council can talk about this comprehensibly and strategically like we should have on the front end and really what has this cost us as a Town? If channelization is implemented, do we need new plows because of the difficulty in plowing around the cones? Can we really do a really comprehensive assessment on what this means to us? Is our liability insurance going to go up? She would love to hear from the Town's insurance agent. She asked the Council to help residents get behind this because it is obviously upsetting for some neighbors and is also disappointing for others. She gives a lot of credit to the new Town Manager. He has done a fantastic job on providing details. He brings a lot of professionalism to this and it is fantastic. She wants the Council to look forward and determine what this really is going to cost taxpayers and what other things we need for this train station? Rather than running off and spending a lot of money on one fix that happens to be the issue today, and six months from now the taxpayers are going to be told that we still have to spend a few hundred thousand dollars.

Kelly Fitz-Randolph of 19 East Street pointed out that after reviewing the data, Freeport still is within the qualifications for a Quiet Zone. She requested that the Council go forward with the Quiet Zone now and take the time that is needed to figure everything out. It can always be reversed if needed but it is a starting point so that the people that live close to the tracks can have the quiet that they need. Let's do this now and then take the time to investigate it fully while everyone has peace and quiet.

Shannon Garrity of 25 West Street thanked everyone who worked on providing all of the information. It was great to check the website and see it up there and be able to print it off and read it. She feels the Town has the information to move forward but she understands that there are some safety concerns. She encouraged the Council to move this forward and start with some small things to make it happen whether we do nothing to start with or we talk about doing something at Bow Street. She suggested that someone

come and stand in her driveway to determine the speed of the train. She noted that the train is not going 25 mph at her West Street crossing.

Pauline Harris of 20 Royal Avenue explained that she is very much in favor of a Quiet Zone. She hopes she and her husband will get a good night's sleep. She feels there is no need for a whistle and we spent a lot of money on those gates. It would be a waste of money if we have to have the whistle. She is confident that people will cross if they want to. If not at the gates, they will cross between two streets. The Council cannot take care of stupidity. She does not feel there is any need to spend a bunch of tax money for stupid people. She mentioned that she did not believe she could sell her house with the train whistles. She feels the value of her house has been cut in half and wonders if the Town will reduce her taxes by half this year. While she doubts it, this is something she feels she has to look at.

Ken Brown of 29 Park Street took a chance and put his two cents in ahead of time. He noted he also put in some information for how we could get to the risk index with horns. It is mostly intended for Towns with designating authorities whose Quiet Zones did not meet the Nationwide Significant Risk Threshold (NSRT) even with the horns. If we were a community that even with the horns sounding would be above that NSRT, you wouldn't have an option for a Quiet Zone and what the Federal Regulations did was say these communities can qualify by meeting the risk index with horns. Since Freeport already meets the NSRT, we don't really have a need. As Mr. Joseph mentioned, the process is targeted toward getting us to the NSRT to qualify and not necessarily to push for the risk index with horns. In our case, the risk index with horns is lower than the NSRT but in many communities it would not be. The other reason that the regulations allow for us to no longer get an annual review is if we get to the risk index with horns. It is appealing for us to get out from under the annual review. We can get out from under an annual review if we meet the risk index with horns or we provide supplemental safety measures at our crossings. Notably that is whether or not we met the NSRT, they would stop doing the annual review and the reason is there is no point in the annual review any longer because even if they make us turn the horns back on, we are still going to be above the NSRT. Although we could get to the risk index with horns, we could do the supplemental safety measures everywhere, but we don't need to. The process is geared toward an either/or. He mentioned that many parts of the country have very long trains and long delays at the crossings. It is at those types of crossings that the public becomes impatient and is tempted to circumvent the gate. That goes into the risk index and is the reason why a good number of people are injured or killed annually because they jump the gates. He went to one of the crossings in Freeport and observed that you can hear the train coming in the distance, the lights go on and the gates come down. In under a minute the gates are back up and drivers are on their way. He does not believe that Freeport has the risk of delays that would tempt the motoring public to jump the gates.

Dale Piltch of Forest Street thanked everybody for all the information. He is in favor of the Quiet Zones. He feels that a lot of things have changed and the rules that are in place now went into effect in 2005 and mandate not only the level of the horn decibels and how loud they have to be, but they also require that the horn be sounded at every crossing unless there is a Quiet Zone in effect. He feels the horns are loud and they happen all the time. He can understand the folks that don't want to spend a half million dollars without having a say in it, but he understands that Freeport is well within the NSRT without doing any additional supplemental measures and there is no need to spend additional money. If additional trains cause it to rise above the NSRT in the future, we may have a case to go back to our State Representatives and other parties involved and say, look everything was fine but we added a new train and we feel they should now help us with the funds that will be needed to maintain the Quiet Zones that we used to have that are about to be taken away from us because of the additional train. He explained the results of a study done in Illinois on supplemental safety measures (SSM's).



Chair Hendricks brought the conversation back to the Council. He asked if the Council wants a Quiet Zone and does it want to designate or apply? If the Council wants SSMs, what do you want to use, where do you want to use them, do you want them at every crossing, and do you want them at certain crossings? He is hoping the Council will come to consensus and the Council can talk about costs and where it will come from.

Councilor Sachs advised that she would like to designate a Quiet Zone because the application process is not necessary. Designation allows us local control, local monitoring and flexibility. Her preference would be to designate with the intention of going forward with some supplemental safety measures. She acknowledged the amazing work done by Mr. Joseph, Mr. Presgraves and Mr. Brown. She feels there is no reason to believe that the FRA numbers we were given in their calculator are not accurate. She noted that people's concerns are for safety, costs and for each other. She would love to see mitigation in installing Quad Gates at Bow Street with an outside cost of \$50,000 and adding channelization at Fernald, Mast Landing and Webster because it would lower the risk index to below that with horns. To do that would cost \$45,000 bringing the total to \$95,000. It would mean a permanent Quiet Zone, no annual review, a one-time expenditure. She would add \$800 for the signs, which would bring the total to \$95,800. It accomplishes everything that we as a town in these meetings have said that we want to do. It is a good plan and it sticks even if we add two more trains or four more trains. Finally that \$95,800 figure will give our Legislative body something to work with. It is a very specific return on investment. We are asking for this one-time expenditure to help our town.

Councilor Egan noted that although this is an unpopular position in this room, she does not favor Quiet Zones because of the safety issues but as the Council moves forward, she is mostly where Councilor Sachs is. She discussed risks and explained that NSRT stands for Nationwide Significant Risk Threshold and it represents a significant risk with respect to loss of life or serious personal injury. She wants to be sure everyone understands when we cross that line, there is a significant risk. We know that once we stop blowing the horns, the risk index goes up and this is shown in all the data. It is incontrovertible that when you put in a Quiet Zone the risk goes up. We should aim to be below the risk index with horns if we are going to put in Quiet Zones. We should have the same level of risk that we have right now. We should not increase the danger to our citizens. While there have been conversations about stupid people, there are a lot of people that are just becoming adults that walk along the tracks and are just learning to drive and we should be thinking about them as well. Her priority is safety and if the Council goes forward with a Quiet Zone, she feels it should designate. There is no reason to apply. As for supplemental safety measures, she would look at the most dangerous crossings and Bow Street is clearly the most important one. She would put in the Quad Gate there. She would then look at what can be done for West, Hunter and School Streets since the MDOT numbers show that there is a high level of vehicle traffic at those crossings. If a Quad Gate is put in at School Street, we would be taking the risk down below the risk index with horns. She explained her concerns with channelization and noted that she is not satisfied with channelization. She mentioned the cost estimates for putting Quad Gates at all the crossings and none of them are good choices. It is not a good choice to keep on blowing the horn, it is not a good choice to designate and take no action whatsoever because the risk index goes up significantly and it is not a great choice to put in supplemental safety measures because it is going to cost money. If the Council goes forward, she hopes a Quad Gate will be put in on Bow Street and the next three dangerous intersections will be addressed.

Councilor Wellen explained that the Council should designate the Quiet Zone with no supplemental security measures at this point. He feels this way because it is affecting the quality of life for our residents. He feels that we have a lot of safety in society and we can't spend money on everything to make it 100% safe. For example, not everyone can have a Volvo. When he was campaigning, he found a lot of people in his district are on fixed incomes. He feels the Council needs to look at this comprehensively if we have other costs for the train, long-term parking and whether it will benefit businesses and perhaps they should pay something for their share. We have to look at the whole picture

and can look at whether we need to do supplemental security measures down the road. He feels comfortable with what other Councilors have already said. He is ready to move forward and is willing to change the order from *make application* to *designate*. If there are surprise costs, it will have to come back to the Council for approval. He feels it is important to protect people's property values.

Councilor Gleeson explained that he is in favor of proceeding in designating a Quiet Zone. He appreciates all the information that has been provided. He finds the supplemental safety measure tough. He has heard people's concerns about cost. He can't get past the Bow Street crossing as well and feels we should go with the Quad Gates there. He feels the Council can work around channelization on the other crossings. He referred to the Environmental Study done in 2009 that pointed out that this is an issue. It is the Council's job to try and fix this. The Council has heard from other people that this should have been done before we even got it. People in his district have been coming to these meetings for a year and he feels it is time to move forward. He doesn't believe it will ever be a perfect solution. He has some concerns about pedestrians in the Bow Street area and with the designation; he would like to make very obvious signage stating it is a Quiet Zone and illegal to walk on the tracks. He does not have an issue with Councilor Sach's number of \$95,800 but feels the numbers are still somewhat in flux but he feels the Council should designate and then get the real hard numbers.

Councilor DeGrandpre advised that he is concerned about safety and is really troubled by the vanilla calculations we use for safety. If the Council is going to move forward, he would prefer to designate and move forward to get real numbers for Bow Street because it is the gorilla in the room. Channelization really bothers him. He questions how we can get that huge value for nothing. He feels we may make someone happy, but we are going to kill just as many people and maybe more. He wants to do more homework and analysis so we are creating more safety and not just going for a number. He doesn't want to spend any more money than anybody does. If the Council is going to move forward, Bow Street is the one he would support first and from there additional supplemental safety measures could be discussed and moved forward if everyone agrees. He is troubled that that when we buy channelization, we are buying a rating and not necessarily buying safety. More discussion followed.

Mr. Joseph explained that a decision on SSMs and what we are willing to spend is a Council decision as well as whether it is a budget item for the capital budget or a voter referendum. If we choose to go forward, that decision does not need to be made until we have firm numbers. If we are going to start the designation process, we will need to send out a letter of intent. He and Mr. Presgraves will need to talk to FRA and DOT. They will ask FRA if the traffic numbers on the website are accurate or if they want us to do traffic studies at the intersections. We will need Pan Am's cost estimate on upgrading Quad Gates and the cost of the annual maintenance. We need State funding numbers after we determine what our costs will be. We will request a funding match from the State. He can bring this information back to the Council.

Chair Hendricks provided Councilor Arno's thoughts since she is out of town this evening. She advised that she has mixed feelings about instituting a Quiet Zone in Freeport. On one hand she would prefer to do so to address the quality of life issues raised by neighbors that live near the railroad tracks including the economic reasons raised by the hotel. She wishes that the Town could have at its disposal all of the safety measures possible to protect residents and visitors. She is willing to support a Quiet Zone with supplemental safety measures but would like to know how much our residents are willing to spend before the Council expends funds. Further, if we have a Quiet Zone, we should have a requirement for an annual municipal review be made to ensure that the supplemental efforts such as signage, public education, patrolling, etc. are adequate to offset the loss of the train horn and not to just meet the minimum federal safety regulations. The train is a significant, positive addition to our community and she is pleased that the Council has taken the time to consider what is best in terms of a Quiet Zone. We have worked so hard

for many years to get the train here. She appreciates everyone's patience and willingness to be thoughtful about what is best in moving forward. She thanked the town staff for presenting options for the Council.

Chair Hendricks agreed to designate a Quiet Zone. He is not a big fan of channelization at Fernald, Mast Landing and Webster at low cost because we are not necessarily contributing to safety at those crossings. For him, the best option would be to have Quad Gates at all the crossings but obviously it is a lot of money. If we are going to go to our legislative body, perhaps we should shoot for the sky and say we want \$150,000 for each crossing—how much are you going to give us? The biggest concern for him is Bow Street. He knows we have all these different numbers out there but the numbers we are held to are the FRA numbers. He wants to request a study at no cost to us. The numbers may change our mind. He doesn't have a warm feeling about channelization and if we put in channelization at \$5,000, after 10 years it amounts to \$50,000. He explained his first experience with channelization. He would put it to the ballot if we go for Quad Gates at all crossings but he cannot support channelization.

Chair Hendricks asked the Town Manager to let him know where the money would come from and ideally he would not like to increase taxes. He asked if it could come out of the Capital Budget or if there are other places we can take the money from in order to pay for this. For Chair Hendricks, he feels we should designate with the intention of retrofitting Bow Street with Quad Gates. We should request numbers from Pan Am as far as what maintenance costs are. Let's shoot for the sky and ask our legislative body to give us funding for all the crossings. We'll ask how much will you give us?

Mr. Joseph feels the Infrastructure Reserve is the appropriate location for the money to come from. He asked the Finance Director to put together an analysis of where we are with that and he will discuss this in the near future. She has done a forecast of what we have to spend in that account over 8-10 years. The effect is that it would push plans out such as the rebuilding of Wardtown Road. He estimated that there is \$2.1M or \$2.2M in this account but we have hundreds of thousands of dollars scheduled to come out of it. Mr. Joseph noted that we also have the option to put it in the Operating or the Capital budget. He also explained that we have \$600,000 in the tax-acquired property fund.

Chair Hendricks asked what is the Council's pleasure. Would Councilors agree to instruct staff to start the process and designate a Quiet Zone? We could still bring it back within that 60-day comment period with more hard line information with true MDOT numbers and new costs from Pan Am about a retrofit Quad Gate or even channelization. He polled Councilors:

Gleeson (yes)  
DeGrandpre (yes)  
Sachs (yes)  
Wellen (yes) but doesn't want any surprise costs.

More discussion followed. Chair Hendricks asked what would each Councilor ideally want? For him, he would love Quad Gates at all the crossings but his minimum is a Quad Gate retrofit at Bow Street estimated at somewhere close to \$50,000. He would be comfortable moving forward with the Bow Street retrofit. There was agreement to move forward and designate a Quiet Zone tonight and all agreed that they see Bow Street as an issue but want to see some firm numbers on retrofitting a Quad Gate there. There was consensus to move forward tonight but will revisit the possibility of what SSMs could be added once we have a better idea of MDOT costs and financial backing of exactly where it will come from.

Councilor Egan wanted the minutes to reflect that tonight the Council is moving forward with the process of designating a Quiet Zone but are not necessarily saying that we all agree that a Quiet Zone should go immediately into effect without supplemental safety measures.

Councilor Wellen mentioned that the motion on the floor needed revision. Councilor Sachs read the motion.

**BE IT ORDERED:** That the Town Staff be authorized to prepare and distribute a notification of intent with the Federal Railroad Administration and relevant railroad operators to designate Quiet Zone status, pursuant to 49 CFR, Section 222. (Sachs & DeGrandpre) **ROLL CALL VOTE:** (5 Ayes) (1 Nay—Egan) (1 Excused—Arno)

**ROLL CALL VOTE TO MOVE FORWARD WITH A QUIET ZONE:** (5 Ayes) (1 Nay—Egan) (1 Excused—Arno)

Chair Hendricks asked if the Council could schedule a meeting to discuss SSMs. He mentioned two months time unless concrete numbers come in much sooner. Mr. Joseph suggested scheduling a discussion on SSMs on March 19.

Chair Hendricks thanked everyone for coming and participating this evening. He is aware that this has not been an easy issue.

Councilor DeGrandpre thanked everyone for hanging in there when at times it appeared that the Council was not doing very much. It's a very slow deliberative process.

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Chair Hendricks adjourned the meeting at 10:10 p.m.

Respectfully submitted,

Sharon Coffin  
Council Secretary

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #02-13**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**TUESDAY, JANUARY 22, 2013 - 6:30 P.M.**

|                                       | <u><b>PRESENT</b></u> | <u><b>ABSENT</b></u> | <u><b>EXCUSED</b></u> |
|---------------------------------------|-----------------------|----------------------|-----------------------|
| Rich DeGrandpre, 11 Timber Ridge Road | x                     |                      |                       |
| James Hendricks, 21 West Street       | x                     |                      |                       |
| Katherine Arno, 76 Pleasant Hill Road | x                     |                      |                       |
| Kristina Egan, 5 Weston Point Road    | x                     |                      |                       |
| Melanie Sachs, 84 Kelsey Ridge Road   | x                     |                      |                       |
| Andrew Wellen, 83 Hunter Road         | x                     |                      |                       |
| D. Scott Gleeson, 23 Park St          | x                     |                      |                       |

Chair Hendricks called the meeting to order at 6:30 p.m. and took the roll.

**FIRST ORDER OF BUSINESS:** Pledge of Allegiance

Everyone stood and recited the Pledge of Allegiance.

**SECOND ORDER OF BUSINESS:** To waive the reading of the Minutes of Meeting #01-13 held on January 8, 2013 and to accept the Minutes as printed.

Councilor Egan referred to page 9 and suggested changing the sentence that reads: *‘While there have been conversations about stupid people’*, to *“While there have been mentions that you can’t fix stupidity”*. On page 11 in the second to the last paragraph, change *“There was agreement to move forward and designate a Quiet Zone”* to *“There was consensus by majority to move forward and designate a Quiet Zone.”* Her (no) vote was not included in the Minutes on page 11. Also in the last paragraph on Page 11, she suggested changing the words: *“but are not necessarily saying that we all agree”* to *“We are not agreeing tonight that a Quiet Zone should go into effect”*.

**MOVED AND SECONDED:** To waive the reading of the Minutes of Meeting #01-13 held on January 8, 2013 and to accept the Minutes as edited. (DeGrandpre & Egan)

**ROLL CALL VOTE:** (7 Ayes)

**THIRD ORDER OF BUSINESS:** Announcements

Chair Hendricks announced:

- The Town would like to thank Ethel Wilkerson for her dedicated service to the Conservation Commission. During her tenure the Commission has managed and maintained over 400 acres of Town-owned property as well as made improvements that have increased outdoor recreational opportunities for Freeport residents.
- Perry Bradley and Marlene Budd from AARP will be providing free tax preparation assistance for low-moderate income households with special attention to those 60 and older on Wednesday mornings beginning February 6-April 10. Assistance is available by appointment by calling 865-4743 Extension 120.
- There will be a Rabies Clinic for dogs and cats on Saturday, January 26 from 9 a.m. to 12 Noon at Town Hall. Shots are \$15 and residents will be able to license their dogs.

- A topic for FreeportTalks is— What do you think are the greatest challenges facing Freeport in the coming years? We would like to know what you are thinking. Please provide your input by going to [www.Freeporttalks.org](http://www.Freeporttalks.org).
- On Thursday, January 31 from 6:30-8:30 p.m. there will be a conversation with an expert panel about promoting a culture of safety and talent in our community. It is being co-sponsored by TARP, the Talent and Respect Project of FCS and State Representative Sara Gideon. The event will take place at the Freeport Performing Arts Center. It is open to the public and free childcare will be available. For more information contact Dedee Bennell at [bennelld@RSU5.org](mailto:bennelld@RSU5.org).
- The Freeport Historical Society will be holding a presentation on the History of Chocolate in America on February 10 at 3 p.m. There will also be a chocolate making demonstration by Wilbur's of Maine. Tickets are \$10 and the event will be held in the Old Town Hall at the Hilton Garden Inn.

Councilor Sachs announced that on Freeport Talks that came out today, there is currently a question about the use of loud speakers at Hunter Road. She suggested that residents go to [FreeportTalks.org](http://FreeportTalks.org) and discuss this particular issue if they wish to.

Councilor Sachs pointed out that there will be another CHANS Flu Clinic at the Freeport Community Center on January 24 from 10:30-11:30 a.m. Suggested donation is \$20.

Councilor Sachs noted she would begin her “office hours” entitled “Monday with Melanie” on February 4 at 8-10 a.m. at Bow Street Market. She plans to meet on the first Monday of each month. If this doesn't work, she can meet with folks outside of this time. They can E-mail her at [msachs@freeportmaine.com](mailto:msachs@freeportmaine.com).

#### **FOURTH ORDER OF BUSINESS:** Information Exchange

Councilor Egan noted that the Communications Working Group would be holding a meeting on Monday, January 28 at 8:15 a.m. in Freeport Town Hall. They will be considering two topics. They will be adopting the Strategic Communications Plan, which they have been working on for the last six months. They are planning to also look at cable programming and ways to improve the cable access channel; everything from volume to what should actually be the TV content.

Councilor DeGrandpre announced that the Appointments Committee would be scheduling interviews with folks for vacancies on the Planning Board, Project Review Board and Design Review during the week of February 4. He did not have times or dates but candidates will be notified of their assigned times. Their goal is to keep Freeport's Boards well balanced in philosophy, education, skills, etc.

Councilor Arno announced that the Freeport Economic Development Corporation is still working on the first draft of the Vision 2025 document. They originally planned to share the document with the public before Christmas but now she estimates it would be a February presentation.

Councilor Egan advised that tomorrow night at 6:30 p.m. at the High School there would be a RSU5 vote on the High School Facilities Committee's recommendation to renovate the high school. She encouraged everybody to attend.

#### **FIFTH ORDER OF BUSINESS:** Town Manager's Report

Mr. Joseph explained that he was on vacation last week so his report will be verbal. He noted that today the Finance Director provided him with the Town's Fund Balance Report, which he read into the public record. As of June 30, 2012, the Town's Fund Balance was \$2,858,654 in unassigned fund balance. The Town's policy as it was updated, states that the General Fund shall hold one and a half months combined expenses of the Town's portion, the RSU5's Town portion and the County town portion in Fund Balance. If this amount exceeds five percent over the minimum amount, staff will make recommendations to the Council on how to dispose of the excess fund balance. As of June 30, 2012, the Town's Fund Balance requirement would have been the calculation of \$2,902,763 so we are under that amount. There will be no Town Staff recommendation of what to do with any excess. We are pretty much right at the target set of 1 ½% last year. He was confident that Councilors also had this in writing from the Finance Director. This will take place every year.

Mr. Joseph advised that we have a situation that could be impacting municipal finances throughout the State pretty direly which is the proposed State budget put forward by the Governor. He expects Representative Gideon to arrive a little later to discuss this. To the Town of Freeport the elimination of revenue sharing and taxes would be \$859,000 and this is a really rough number in revenue lost to the Town. Once it moves forward, we might learn a little bit more. It could equate to 68 cents on the mil rate, which would be an \$136 increase to the tax bill if someone owns a \$200,000 home. This estimate is if everything else stays the same. The fiscal situation at the State is not good and something needs to be done. He noted that he would keep the Council updated and will welcome Representative Gideon's comments at the State level tonight. Chair Hendricks mentioned that Representative Gideon would be here at the start of "Other Business" tonight to let us know how that is going. She is still in Augusta working for us.

**SIXTH ORDER OF BUSINESS:** Public Comment Period – (30 Minutes)(Non-Agenda Items Only)

Chair Hendricks mentioned that the Council would try to adhere to the three-minute rule. He wants to be sure everyone gets an opportunity to speak.

**MOVED AND SECONDED:** To open the Public Comment Period. (DeGrandpre & Egan) **VOTE:** (7 Ayes)

Joe Migliaccio of South Freeport Road spoke on the topic of revenue sharing. He mentioned that Freeport has a role on the Maine Service Center Coalition. He served as Freeport liaison a few years ago and feels it is a good coalition. Service Centers provide a disproportionate amount of jobs and economic impact, etc. He feels it is about time that Freeport takes a stand to fight again for its share of what it brings to the State of Maine.

Guy Quartrucci of South Freeport suggested that the Council consider publishing on the Town's website and reading at public meetings the names of applicants, candidates and nominees for appointments to Boards and Committees when they are received. He referred to the proposed Agriculture Zoning Amendments that are on the agenda. He feels the Council will be looking at two seriously challenged sectors of Maine's traditional and valued heritage and economy that we can do something about at the local level. He also referred to the working waterfront, which includes marine fisheries and the support services and vessel services and all that connect to it. We have the good fortune of having a long established working waterfront with wharf presence and access in Freeport as well as access at other locations in town. He asked the Council to consider giving the same attention to the working waterfront that it is giving to the agricultural community. He suggested that the Council identify the economic value of our working waterfront because it is substantial, a driver and is part of Freeport's economic and community engine. He would be willing to assist with identifying resources but is confident the Planning

Department is capable of doing that. He suggested inviting that community in the same way the agricultural community was invited in and give them the opportunity to say yes or no.

Town Planner, Donna Larson announced that the ice skating rink next to the Community Center is up and frozen. She wanted to let people know that they can get out and use it.

Bob Lyman noted he wanted to follow up on Mr. Migliaccio's comments. He pointed out that people in Augusta think everybody here drives a Mercedes and can't do anything wrong. They think we have all the money in the world and it really takes getting out there and speaking up for our communities to make it work. Lots of times we don't do that. We sit back and say we are okay. He hopes the Council and the people in this community will step up.

**MOVED AND SECONDED:** To close the Public Comment Period. (DeGrandpre & Egan) **VOTE:** (7 Ayes)

**SEVENTH ORDER OF BUSINESS:** To take action on the following items of business as read by the Council Chairperson.

ITEM #8-13 To consider action relative to adopting the January 22, 2013 Consent Agenda.

**BE IT ORDERED:** That the January 22, 2013 Consent Agenda be adopted **as amended**. (Hendricks & DeGrandpre)

Chair Hendricks pointed out that the paperwork from the Cumberland County YMCA was not received but paperwork from Smoke This LLC; Buck's Naked Barbeque was received. He suggested removing the Cumberland County YMCA.

**MOVED AND SECONDED:** To remove Cumberland County YMCA d/b/a Casco Bay Regional YMCA from Item #04-13 from the Consent Calendar. (Egan & DeGrandpre)

Councilor Egan thanked everyone that donated to the Fuel Fund, the Fire/Rescue and the Library. It makes her proud to see how much money was donated. Councilor DeGrandpre also thanked everyone for his or her support. Without these additional funds, some of the needs would go wanting.

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ITEM #9-13 To consider action relative to proposed amendments to Chapter 48: Freeport Traffic and Parking Ordinance pertaining to parking prohibition on Hunter Road in the vicinity of the Hunter Road Recreational Fields, and along the access road to the fields for a distance of 700 feet.

**BE IT ORDERED:** That a Public Hearing be scheduled for February 5, 2013 at 6:30 pm in the Freeport Town Hall Council Chambers to discuss the proposed amendments to Chapter 48: Freeport Traffic and Parking Ordinance pertaining to parking prohibition on Hunter Road in the vicinity of the Hunter Road Recreational Fields, and along the access road to the fields for a distance of 700 feet.

**BE IT FURTHER ORDERED:** That copies be distributed equally between the Town Clerk's Office, the Town Manager's Office and the Freeport Community Library for inspection by citizens during normal business hours and the notice be placed on Freeport's local cable channel 3 and the Town's website. (Egan & DeGrandpre)



Councilor DeGrandpre noted that the description is somewhat misleading. The 700 feet is the distance along the Hunter Road Fields Road down to the parking lot and the recommendation is that there be no parking along side of that road because it is narrow and if you add parking, you would restrict two-way parking. On the Hunter Road, parking would be restricted for 670 feet to the East and 300 feet to the West. Mr. Joseph explained that there is a memo from Albert Presgraves in the package with the proposed change. On the back is the actual language that Councilor DeGrandpre just described.

**ROLL CALL VOTE:** (7 Ayes)

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ITEM #10-13                      To consider action relative to proposed amendments to Chapter 21: Freeport Zoning Ordinance pertaining to the Village Parking Requirements (Sections 413 and 514). **PUBLIC HEARING**

**MOVED AND SECONDED:** That the Public Hearing be opened. (Wellen & Egan)  
**VOTE:** (7 Ayes)

Donna Larson, Town Planner provided clarification on some of the questions that have come up during the past couple of weeks. She explained that grandfathering is legal non-conforming and how requirements for parking have changed over the years. 75% of businesses do not meet today's standards. She mentioned that there was a recommendation that building owners with restrooms open to the public are not subject to the parking requirements. At this time, she has no way of knowing what that number is. It is up to building owners to come forward and show their building plans and provide numbers. Councilor DeGrandpre questioned the subject of locked rest rooms and Ms. Larson noted that the rest rooms have to be opened to the general public and not simply to a customer. Councilor Egan brought up the taxation side and Ms. Larson explained that right now our taxation formula does not take this issue into consideration. Those that provide parking have a heavier burden. They are not given any credit for providing parking. She has discussed this with the Assessor and he will look into it but it has not been done. Discussion followed.

Christina White of the Freeport Historical Society explained that the Society manages 56 parking spaces and currently 30 spaces are leased. They expect to gross approximately \$26,000 from parking leases. The portions of the proposed zoning changes that permit businesses to reduce or eliminate their parking requirements are not neutral to the Historical Society. They depend on parking lease revenues to support their public programs and operations. She suspects the impact could be as much as 15% of their budget. She asked that the Council consider the seriousness of the proposed changes to the Society.

Councilor DeGrandpre noted that he does not want the Council to take action without hearing from the Traffic and Parking Committee. They were involved in selecting the consultant. Gary Profenno, Chair of Traffic and Parking explained that he saw this Ordinance this morning and has not had time to digest any part of it. They don't take into any consideration the financial part. They deal with safety issues as far as traffic and parking. He mentioned that they are reviewing requests from the public in the village who are required to have two parking spaces for their condominium units and do not have enough parking and they are requesting the committee to add parking back to Holbrook Street in the no parking zones so they are already dealing with issues of this nature. He explained that Traffic and Parking requests that the Council table this item and send it to them for review as far as safety issues that might be related to this. They would welcome an opportunity to weigh in on this.

Joe Migliaccio of South Freeport Road explained that he supports Councilor DeGrandpre's and Mr. Profenno's comments. He noted a lot of data is based on Fred Reeder, Albert Presgraves and Caroline Pelletier who did a lot of great work inventorying spaces. He wanted to recognize this. He reminded the

Council that another factor to look at is the train. He feels this is moving too fast and this is the Council's opportunity to step back and look at the big picture.

Edgar Leighton of Lower Flying Point spoke to grandfathering or legal non-conforming. He owns property at 13 and 15 Bow Street. In 1982 he met the rules that the Town had in place and property owners that have since come in, met what was in place at the time.

Mark Evans co-owner of R. D. Allen Jewelers on Middle Street explained that they have some residential and a commercial element. His concern is that the whole issue started over having enough parking spaces available to the public for public use. He has heard from the Town Planner that Freeport has enough spaces for public use so now the issue is who pays for spaces? With this proposal he feels it is fair because when you look at the code outside of the village where there is more space, you are only required to have one parking space for residential. A one-bedroom unit in the village has to have two parking spaces. A two-bedroom unit in the village has to have two parking spaces and a three-bedroom unit in the village has to have two parking spaces, which makes more sense. Reducing the requirement for a one-bedroom in the village to one space and making it the same in the rest of the town would seem to be fair. It would benefit them because they could pay a little less for the commercial side of the parking space. He would not have a problem if the money was being used to create new spaces to meet the Town's new growth but we are talking about something that already exists whether he pays zero dollars or ten thousand dollars, it is not going to increase the parking space. We have the same number of spaces. There is no discount on property taxes on their building and they pay the highest rate. Because there is no personal residence, they don't get a deduction there and then they pay an additional \$2,700 a year for the parking. His tax for a 3,000 sq. ft. building is over \$6,000 a year and he feels it is unfair. This proposal would give them a little relief on the residential side.

Councilor DeGrandpre mentioned Holbrook Street and the fact that they are required to have two parking spaces per unit and they are still parked in the street. The parking calculations are different from what we think they are. He noted that this community has made a huge commitment to additional parking. We are funding through a TIF the actual building of the parking garage.

**MOVED AND SECONDED:** That the Public Hearing be closed. (Wellen & Egan)  
**VOTE:** (7 Ayes)

**BE IT ORDERED:** That the proposed amendments to Chapter 21: Freeport Zoning Ordinance pertaining to the Village Parking Requirements (Sections 413 and 514) be tabled. (Wellen & Egan)

Chair Hendricks explained that none of these zoning issues are time-sensitive issues so the Council has options. Councilor Arno is not interested in looking at the legal non-conforming aspect and would appreciate the Traffic and Parking Committee taking a look at it. She cannot imagine the demand for parking wouldn't continue to grow in town. Councilor DeGrandpre believes Traffic and Parking should review this. As far as grandfathering goes, everyone in business built their business plan around the site plan understanding what their requirements are. Councilor Gleeson agreed with Councilor DeGrandpre. He feels it is a lot to digest and wants Traffic and Parking to review it. He sees no reason to rush this and wants to do it the right way. He would be in favor of tabling this.

Councilor Sachs noted we spent a lot of money for a consultant and ignored their recommendations and spent four years of staff time looking at every single parking space to ignore their recommendation. She would like the Council to give it more due diligence and think about these recommendations because there are some very good things about parking in the report. The inequity of having a parking Ordinance that does not apply to three quarters of the businesses is a disparity she cannot ignore. What we choose to

do with that is up to the Council and the community but she chooses to not ignore that. Councilor Egan pointed out that the issue before the Council is not about whether there is enough parking for those who live and come to Freeport. It is about who pays and basically grandfathered properties are not paying as much as newer businesses that are coming in and she believes it deserves some discussion. She understands that it is distasteful and a lot of people do not have the appetite to take it up. Given that there is no recognition in the property tax system at all in the way we are assessing properties, she feels the Council should at least ask the Assessor to look seriously at integrating whether a property has no parking requirements or has a parking requirement into the property tax system. The issue is old businesses versus new businesses. She would urge Traffic and Parking to keep its comments to safety only because the equity issue is a policy decision that the Council needs to deal with. The Planning issues around how to create a more smart growth community through our parking requirements is something our Planning Department has the expertise to deal with. With regard to the residential apartments downtown, we know that when you reduce parking requirements for residential top of the shop kind of development, you are actually fostering better smart growth development in the downtown. Although there may be an issue on Holbrook Street with the condos, she is unsure that this should be applied to all residential development in the downtown. She agrees that we should go down to one parking space for a unit that has one or two bedrooms. With reference to the financial impact on the Town of Freeport and the Historical Society, while these impacts are troubling, the Town of Freeport and the Freeport Historical Society are not in the business of trying to make money off of parking. It is part of our business development model and the Historical Society and the Town has reaped some benefit from it. It is almost like government is mediating a transfer of resources from businesses to non-profit or to the government. Since it is not part of our core mission, she is not sure it should be a big part of our consideration. She is a member of the Historical Society and feels the mission is really laudable. She is a Town Councilor and a steward of the budget. She does not want to lose any revenues but feels it should not be a major consideration in the Council's decision making. With reference to the train, she doesn't believe that just because we have the train station we will need more parking. This is something we will have to see as we go into the future. She supports the first four recommendations in the consultant's report.

Councilor Wellen agrees that Traffic and Parking should look at this. He also echoed what Councilors Sachs and Egan are saying about whether we should seriously consider continuing to grandfather. It is a complex issue. He noted that businesses know that rules change. He would like to give this more thought. He wants to continue to look at the revenue impact on the Town's budget.

Chair Hendricks agreed with a lot that has already been said. He would like Traffic and Parking to take a look at this. He likes the first four recommendations in the consultant's report. There are two sides of the fence. With grandfathering, it is obvious that things change. We are an entirely different community now than we were 30 or 40 years ago. When the grandfathered properties change ownership, perhaps it will be possible to ease the transition with the new owner. Perhaps in the first year they won't need parking and the second year they will require partial parking, etc. He is trying to think outside of the box. With regards to taxes, perhaps a tax credit could be provided to properties required to provide parking because the cost is almost like another tax. Being a small business, every cent counts. If we were trying to foster new businesses to come to town, perhaps the idea of a circuit breaker for them would help, especially if it is a small business.

**MOVED AND SECONDED:** To table this item until March. (DeGrandpre & Egan)

Chair Hendricks would like the Traffic and Parking Committee to talk with the Planning Board in a collaborative process. If Councilors have any specific questions, wants or needs, Chair Hendricks suggested that they be forwarded to the Town Manager in an E-mail. He will move them to Traffic and Parking and will make sure they are answered.

**ROLL CALL VOTE:** (7 Ayes)

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ITEM #11-13                      To consider action relative to proposed amendments to Chapter 21: Freeport Zoning Ordinance pertaining to Site Plan Review (Sections 521 and 602).  
**PUBLIC HEARING**

**MOVED AND SECONDED:** That the Public Hearing be opened. (Arno & Egan)  
**VOTE:** (7 Ayes)

Town Planner, Donna Larson provided some background information. The changes clarified any confusion that existed and made it easier for Staff to use the Ordinance as well as everyone else. She noted that the Chair of the Project Review Board is here tonight and can answer any questions the Council may have.

Councilor Egan had questions about timing of review and voiced concerns that the governing body can extend something for a long time and make it difficult for a developer to get a yes or no for an answer. Ms. Larson assured her it was certainly not the intent but it could be added back in. There would be no harm done. Chair Hendricks suggested talking about this under discussion.

Cliff Goodall, chair of the Project Review Board explained that they went through a time consuming process of making the proposed changes to try to make the Ordinance more user friendly and understandable. It was reviewed by Traffic and Parking and a recommendation was received from them. He explained that there are no time limits with a mandatory penalty associated with it in this Ordinance. He explained that when the application is complete, the Board is supposed to do something within 30 days. They explain what a complete application is in the Ordinance and have made efforts to accommodate the needs of the applicant in terms of their time line and the Board's approval process. The Board has held extra meetings to consider applications when someone needed to get something done quickly and the construction season was about to end. To put in the Ordinance a deadline that says the Board must act within 60 days, it is a meaningless requirement. He noted that time lines sound nice but they have no real consequence. It really depends on the committee that selects the Board members and he is not sure they did a good job with him or not, but he is here.

**MOVED AND SECONDED:** That the Public Hearing be closed. (DeGrandpre & Sachs) **VOTE:** (7 Ayes)

**BE IT ORDERED:** That the proposed amendments to Chapter 21: Freeport Zoning Ordinance pertaining to Site Plan Review (Sections 521 and 602) be approved. (Arno & Sachs)

Councilor Arno thanked the Project Review Board for all their work and since Ms. Larson noted it assists staff, she is willing to approve it.

Councilor DeGrandpre referred to the first page under Purpose and noted the language appears subjective. Mr. Goodall indicated that only the performance standards are regulatory and the whole Purpose section could be eliminated and would have no impact on the Ordinance. He agreed that *especially in regard to the character of adjacent developed properties* is dispensable since the adjacent property may be a dump.

Councilor Egan referred to the deadline issue and asked if there is a problem leaving in the 60-day language and Mr. Goodall indicated the answer is no.

**MOVED AND SECONDED:** To amend the Purpose and remove *especially in regard to the character of adjacent developed properties* and under D. and in Timing of Review, remove the strike out: *Within sixty (60) days of the receipt of a Site Plan submission which is determined by the Project Review Board to be complete, the Project Review Board shall act.* (DeGrandpre & Egan) **ROLL CALL VOTE:** (7 Ayes)

Councilor DeGrandpre and Chair Hendricks thanked the Project Review Board and the Planning Board for all their hard work.

**ROLL CALL VOTE ON AMENDED ORDER:** (7 Ayes)

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ITEM #12-13 To consider action relative to proposed amendments to Chapter 21: Freeport Zoning Ordinance pertaining to Agriculture (Section 104). **PUBLIC HEARING**

**MOVED AND SECONDED:** That the Public Hearing be opened. (Sachs & Egan)  
**VOTE:** (7 Ayes)

Donna Larson provided background information for the Council. She answered questions for Councilors.

Eric Pandora of Birch Point Road read his comments. He noted in this language there is no site plan requirement for an accessory use. He noted that this amendment would create legal and enforcement issues. He feels that this amendment is not well thought out and will create more mischief than what it solves. He asked the Council to not approve it.

Katrina Van Deusen of Birch Point Road contacted Stephanie Gilbert at the Maine Department of Agriculture and learned that changes to local ordinances with respect to agriculture need to be reviewed by the State. She did not know if they would consider this proposal awesome or maybe they wouldn't but she thinks this should happen. Ms. Gilbert is not the one that will look at it. One of her colleagues will and it seems like that is good feedback to get.

Susan Campbell of Hunter Road applauded the Planning Board for reaching out to farmers and large property owners. She has a concern with Freeport's current definition of agriculture and recommends that Freeport adopt the Definitions of Agriculture consistent with the Maine Department of Agriculture. She would like to see some inclusion of language that defines "Agritourism." because this is what we are really talking about when we talk about diversity. She has done some research on line and feels more specificity in definition is needed and to add a definition for "Agritourism". She provided a document that she found on line—Saving Maine Farmland, A Collaboration Action Plan to Councilors. She mentioned that she would be happy to work with the Town Planner and Planning Board to draft some new language. She urged the Council to send it back to the Planning Board for more work.

Joe Migliaccio of South Freeport Road feels that the document is a little ambiguous. Language such as "Other Accessory uses are also allowed, such as but not limited to" is what Mr. Pandora was referring to. He feels that "not limited to" is dangerous language in zoning.

Guy Quartrucci of South Freeport noted that the intent in this language is the right intent to identify ways that we can add diversity and help farmers keep farming and protect some of these properties as agricultural properties. A lot of what was being discussed and proposed in the original discussions was already allowable under Definition or Allowable Uses anyway. He mentioned that the language has gotten a little tighter and a little looser at the same time and this is where he is having apprehension;

particularly around the term “Accessory Uses” and how the term gets applied. He suggested that the Council send it back to the Planning Board for more work to get something that helps more than it hurts.

Marie Gunning of Telos Road explained that she worked on farm conservation for ten years professionally. She supports the intention but does not feel that zoning is the way to protect farmland. She asked the Council to not approve the language because it will not help farms but will create a lot of conflicts and things we don’t want to see. She noted that a lot of people are not aware of this amendment and she feels it is not a good proposal.

**MOVED AND SECONDED:** That the Public Hearing be closed. (Egan & Sachs)  
**VOTE:** (7 Ayes)

**BE IT ORDERED:** That the proposed amendments to Chapter 21: Freeport Zoning Ordinance pertaining to Agriculture (Section 104) be approved. (Sachs & Egan)

Chair Hendricks noted that there are a lot of different opinions on this and he liked a lot of what Mrs. Campbell proposed. He really liked the State’s Agritourism definition. It was much more tightened up. He asked the Town Planner if we need to run this by the State. Ms. Larson advised that she was not aware of it but she is happy to do it but would prefer to wait until we have something we are more comfortable with. She agreed that Mrs. Campbell’s definitions are well thought out. Agritourism would take the place of Accessory Use and those would be subject to Site Plan Review.

Councilor Arno agreed that this should be sent back to the Planning Board with a message thanking them. She is thrilled that they called the session together last year. This is an initiative that preserves the quality of life we value in Freeport and also supports meaningful economic activity. She is a proponent of this kind of thing. She likes Mrs. Campbell’s ideas and would like to continue to use the citizens’ input and continue to refine it a bit more. She also likes adding the Site Review language to some components.

Councilor Gleeson thanked Mrs. Campbell for her efforts. He agrees that the intent is all good but the accessory use leaves it a little bit too broad. He would like to tighten up the language on accessory use because the intent is really Agritourism. This is probably the easiest fix in the grand scheme of things. He thanked the Town Planner for all her work but suggested sending it back to the Planning Board for a little tweaking.

Councilor DeGrandpre thanked Ms. Larson, Susan Campbell and the Planning Board for their good work. He knows how hard farming is and supports farmers in this community. He agreed that it is a little loose when you start talking about “uses but not limited to”. He would like the Planning Board to work with some of the information provided by Mrs. Campbell and bring it back to the Council.

Councilor Sachs appreciates the definition of Agritourism. She mentioned that Ms. Larson also sent the Council some language recognizing that Site Review was not in there so this discussion has been going on. She thanked the Planning Board and the residents for bringing this to the Council’s attention before tonight’s meeting. She loved hearing this ahead of time and appreciates the dialogue with the public. She really encourages this on any issues similar to this.

Councilor Wellen noted that he would like the Council to get input from residents that live near farms but are not the farmers. He heard there may be a little tension potentially between how much usage is allowed even under Agritourism because that could become a big use that might not have been allowed already in the zoning. How much you allow could become a question. He wants to support farms and any increased commercial activity on the farm even if it is under Agritourism affects people’s property values and their

quality of life so it is a tricky balance. He recommends sending it back to the Planning Board and getting more input.

Councilor Egan supports the intent and the general approach. She agrees that it could be tightened up and she likes the idea of using the word Agritourism and then precisely defining it and making sure that the definition is low impact uses. In so long as the Planning Board does that and makes those tweaks, she will be in full support of this.

**MOVED AND SECONDED:** To table this proposed amendment and refer the matter back to the Planning Board for their consideration. (Sachs & DeGrandpre)

Ms. Larson advised that on February 6 at 6 p.m. here in the Council Chambers, this item will be the first item on the Planning Board's agenda and she recommended that people interested should plan to attend. Chair Hendricks suggested putting this on the Town's website and on Channel 3.

**ROLL CALL VOTE:** (7 Ayes)

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| ITEM #13-13 | To consider action relative to proposed amendments to Chapter 21: Freeport Zoning Ordinance pertaining to Affordable Housing (Sections 407, 414, 415, 417 and 418). <b>PUBLIC HEARING</b> |
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**MOVED AND SECONDED:** That the Public Hearing be opened. (DeGrandpre & Egan)

**VOTE:** (7 Ayes)

Ms. Larson provided background information for the Council on rental housing and single-family housing. She pointed out that a map was included in the Council's packets. She also answered questions.

Joe Migliaccio of South Freeport Road noted that he is strongly in favor of this proposal. He is not sure who else in the country is doing this but when you study some sort of inclusive zoning things, this one seemed like it would never materialize. It would appear to be a crazy concept. We are going to limit the size and how big a house can be in certain situations and he is strongly in favor of it. He envisioned it as something that would take place out in the rural subdivision areas. He encouraged the Council to look at this in other areas. He made suggestions to things that appear under 4 on page 3.

**MOVED AND SECONDED:** That the Public Hearing be closed. (DeGrandpre & Egan)

**VOTE:** (7 Ayes)

**BE IT ORDERED:** That the proposed amendments to Chapter 21: Freeport Zoning Ordinance pertaining to Affordable Housing (Sections 407, 414, 415, 417 and 418) be approved. (Gleeson & Egan)

Ms. Larson pointed out that these are not income restrictive or age restrictive. This was really talked about in terms of diversity and diversity in housing types. We want diversity in price points, rental versus ownership, size. While we could do age restrictions, Ms. Larson would suggest not going down that route because it is limiting and we want to create opportunities.

Councilor DeGrandpre asked if one of the eight units could be 2,000 sq. ft. to get the diversity. He feels we should make sure there is one big unit. He is confident that we will find unique buildings that will lend themselves to smaller units, bigger units or different units. He is troubled by trying to control the market and has concerns with tying someone's hands as they try to move forward.

Councilor Egan understands that this provides more development opportunities for property owners but it is difficult to find a 650 sq. ft. efficiency in Freeport right now and this is helping with certain types of diversity to try to increase the diversity of the smaller units, particularly in the village area. which again according to Smart Growth principles, that is the place where you would want to have more smaller units. She is in full support of this. This is a great step forward and it is terrific that Freeport has taken the initiative in trying to put this together.

Councilor Wellen advised that he is definitely supportive of this kind of concept. He asked if other Councilors have heard other opinions on the neighborhood character.

Councilor Gleeson asked if diversity of housing is meant to have all types of structures in Freeport. He mentioned that Freeport has historic homes. Ms. Larson advised that these lots are all in the village overlay district, which has standards, but you don't have to go to the Project Review Board. She explained the standards that apply. More discussion followed.

Chair Hendricks feels that the Planning Board did a great job and has captured the essence of what we were trying to do. Councilor DeGrandpre feels it is great work and he hopes we will end up with the diversity we are looking for.

**ROLL CALL VOTE:** (7 Ayes)

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| ITEM #14-13 | To consider action relative to endorsing a Community Development Block Grant Application (CDBG) from the Freeport Elders Association entitled "Bus for Freeport Elders Association (FEA)". |
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**BE IT ORDERED:** That the Town of Freeport endorses the Freeport Elders Association application for a Community Development Block Grant. (Sachs & DeGrandpre)

Bob Lyman distributed attachments to the Council and explained that the Elders have raised everything but \$15,000 to purchase a bus. He mentioned that Pownal Selectmen have joined Freeport in the application.

Bill Gifford explained that they have raised \$49,000. This bus will get people out that do not have anyone to pick them up and take them shopping or out to lunch or to a medical appointment. He feels the bus is really needed.

Chair Hendricks is a strong supporter of the Elders and knows how hard this small group of people have worked to raise this money. He wholeheartedly supports their efforts. Councilor DeGrandpre also supports this and hopes they get the bus so Mr. Gifford can drive it. He is aware that there are a lot of people that don't drive at night or don't drive at all. He explained that the Elders volunteer everywhere around this community.

Mr. Joseph pointed out that the Town would show it as a community need. They need endorsement from the Town.

**ROLL CALL VOTE:** (7 Ayes)

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| ITEM #15-13 | To consider action relative to adopting Town Council Goals for 2013 as presented by the Council Chairperson and Vice-Chairperson. |
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**BE IT ORDERED:** That the goals as presented by the Council Chairperson and Vice-Chairperson be adopted. (DeGrandpre & Egan)

Chair Hendricks explained that these goals are exactly as they were put forth to him. Some were sent by E-mail and Town Staff made them look a little nicer. One Councilor did not put his goals in writing because he was ill. He let Councilor DeGrandpre comment. Councilor DeGrandpre explained that he has been ill for a couple of weeks and apologized for not getting his goals in writing. His goals are pretty simple. He feels Freeport will be struggling like most communities are around the State and country with budgets. He feels there is a need to get all the needs clearly written down and the Council needs to make a conscious decision about them and not simply react. His goal is to get the job done.

Chair Hendricks explained that he and the Vice Chair met and looked over the goals. It was not an easy task putting seven people's individual goals together to make one cohesive goal for the year. They looked at last year's goals to see if the Council actually met some of them. Some of them are indicative of the same goals this year. Some of the topics were budget, spending and tax rates. He read through the goals.

Guy Quartrucci asked the Council to consider publishing on the Town's website the number of original goals submitted to the Chair separately by individual Councilors. After that, present the official Council goals for the year when they are finalized and then post them on the Town's website and Channel 3. It falls into the arena of public record. He also hopes the Council will publish the names of applicants to Boards and Committees available upfront.

Chair Hendricks is confident that these things can be posted online. Mr. Joseph demonstrated that the Council Goals are already posted online.

Councilor Egan reflected on last year. One of the Council's goals was that we budget responsibly and anticipate reductions in Municipal revenue and also in revenue to RSU5. She fears this year will be tougher than last year and we had a small property tax increase last year. The Council has had a lot of small things come to us and they add up. The Council has to think about what is the role of government and what is not the role of government and be as disciplined as we can. She hears from constituents about the impact of the property tax rate on them, particularly people on fixed incomes. She feels the Council did a great job in hiring Mr. Joseph as our new Town Manager. The Council made significant advancements in communications to focus the public on decision-making. Freeport Talks was launched and people are encouraged to be on that site. The Council went out to every district with Council meetings and had listening sessions. As we go into next year, she wanted to remind people that we have made a lot of progress and we have a big plate full of goals. We are also going to commit quarterly to coming back to these goals to make sure that one doesn't slip off the plate. These are long term goals.

**ROLL CALL VOTE:** (7 Ayes)

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| ITEM #16-13 | To consider action relative to accepting the resignation of Councilor Katherine Arno. |
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**BE IT ORDERED:** That the resignation letter from Councilor Katherine Arno be accepted effective Midnight, January 22, 2013. (Arno & Egan)

Councilor Arno read her letter into the record. Chair Hendricks wished her the best of luck with her new Job in Washington D.C. He explained that she would be missed. Councilor Egan noted that Councilor Arno brought thoughtfulness and a great deliberative process to the Council. She will miss working with Her. Councilor Wellen appreciated Councilor Arno welcoming him to the Council. Councilor Sachs

thanked Councilor Arno for all her help. She will really miss her. Councilor DeGrandpre advised that he has enjoyed working with Councilor Arno. Councilor Gleeson noted he has been working with Councilor Arno for 34 days and wished her good luck.

Councilor Arno thanked her constituents in District 2 for all their support. She also thanked her colleagues on the Council, Town Staff and Town Manager who have made this relationship incredible. She feels the Council is in great hands.

**ROLL CALL VOTE:** (7 Ayes)

Chair Hendricks presented Councilor Arno with a plaque and mentioned it has a misstatement. He promised to get a correct one. Vice Chair Egan presented her with flowers.

**MOVED AND SECONDED:** To recess for 10 Minutes. (DeGrandpre & Sachs)  
**VOTE:** (7 Ayes)

Chair Hendricks called the meeting back to order at 10:30 p.m.

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| ITEM #17-13 | To consider action relative to scheduling a special election for the vacant position of Town Councilor, District 2. |
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**BE IT ORDERED:** That a special election for the vacant position of Town Councilor, District 2 be scheduled for Wednesday, March 20, 2013 in the Freeport Town Hall Council Chambers from 7:30 a.m.- 8:00 p.m.

**BE IT FURTHER ORDERED:** That nomination papers be available at the Town Clerk's Office beginning Wednesday, January 23, 2013 and be returned no later than 6 p.m. on Wednesday, February 13, 2013.

**BE IT FURTHER ORDERED:** That the requirements pertaining to availability of nomination papers specified by Article 7 Section 7.03 of the Freeport Town Charter be waived pursuant to M.R.S.A. Title 30-A, Section 2528, Subsection 4(E). (Gleeson & DeGrandpre)

There was no discussion.

**ROLL CALL VOTE:** (7 Ayes)

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| ITEM #18-13 | To consider action relative to approving a public peddler license for Therese Drapeau, D/B/A The Burrito Barn. |
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**BE IT ORDERED:** That a public peddler license for Therese Drapeau, D/B/A The Burrito Barn be approved. (Arno & Sachs)

Mr. Joseph provided some background information. There are two applicants applying for a public peddler license. One is for Therese Drapeau and the other one is for Li Jin, which operates the cart selling Chinese food at the corner of Bow and Middle Street. The lottery will be held at the next Council meeting.

**ROLL CALL VOTE:** (7 Ayes)

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**OTHER BUSINESS:**

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Chair Hendricks advised that due to the late hour, Representative Gideon had to go home. She apologized but asked to be put on the next agenda to discuss the State budget.

1. FY2012 financial statement presentation.

Christian Smith, Lead Auditor of MacDonald Page and Company, LLC explained what the relationship is with the auditor. They work for the Town Council and they work with management to perform the audit. The financial statements are the responsibility of management and in Freeport's case, the Finance Department prepares these financial statements and that is not very common. It is a difficult job to do and Freeport's Finance Department does a really nice job. He explained that they issue a governance letter, which is a required communication that they need to make to the Council. They also issue a management letter to the Council. He went over highlights in the financial statements and provided an opportunity for Councilors to ask questions. In summarizing, he noted that the Town has a good management team and the report was clean. Everything is in good order.

Marie Gunning of Telos Road has had conversations with Mr. Joseph regarding FEDC. She noted that FEDC is a separate organization from the Town but presenting it in our town's financial statement this way, it can lead to the impression that FEDC is a Town department. It is not a Town department. By doing it this way, it is not clear what the expenses are for FEDC. It picks up on the most recent financial statement \$124,000 for expenses but does not pick up indirect costs that the Town may be absorbing to help FEDC run. The Council and the public are not aware of how much we are paying for FEDC. She suggested figuring out if it should really be in the Town's financial statement and based on what? Does the Council approve the FEDC budget and sets the tax rate? Mr. Smith addressed these questions. Since FEDC is 95% funded by the Town of Freeport, in his opinion it meets the criteria as a component unit based on fiscal dependency but there is discretion available in making a decision.

Councilor Wellen explained that this appears complicated but the Council needs transparent costs regarding FEDC and their office space when we are going through the budget. Ms. Gunning mentioned that she has talked about the need for a Finance Committee. Without one it is really difficult to have the kind of practice we need in terms of oversight. Chair Hendricks advised that he listens to the Town's Finance Director, its auditor and fiscal advisors and trusts in the fact that they are adhering to the standards as they see fit. More discussion followed. Chair Hendricks thanked Mr. Smith and Ms. Yacoben.

2. To discuss a request from the Freeport Historical Society to allow them to administer their own parking lease agreements and to waive the 5% administrative fee currently collected by the Town.  
*(Note: The Town currently administers the parking lease agreements for the Freeport Historical Society.)*

Mr. Joseph explained that he met with Christina White of the Freeport Historical Society regarding their request. He provided information from the October 4, 2011 Council Meeting regarding the First Parish Church to waive the Administrative Fee for leased parking. Ms. White explained that they are willing to take on the work of administering the leases. They are not asking the Town to do the work but are actually taking work away from the Town. This is only the billing and collections function for which the Town receives 5% of their total contract. Mr. Joseph clarified that there is still some work involved with the Town of tracking the leases and getting a quarterly report and making sure that all the business entities that actually are supposed to be leasing spaces still maintain their leases. The negative side would be if

they didn't, the Codes Enforcement Officer would then become involved for not maintaining required parking for site approvals and things like that. From a fairness standpoint, we need to maintain that kind of oversight on things.

Chair Hendricks feels the Council has already set a precedent with the First Parish Church and it would be unfair to not give the Historical Society the same thing. Discussion followed. Mr. Joseph suggested handling this as an action item on a future agenda. There was consensus that this should appear on a future agenda as an action item.

3. To review the recommended concept design plan from the Freeport High School Facilities Study Advisory Committee.—Chair Hendricks noted that they were unable to come tonight. They asked that this appear on another agenda. Councilor DeGrandpre pointed out that the School Committee is voting tomorrow night. He feels it is important that this go to the voters in November when there are more folks at the polls. It is a disservice to the community to ask this question in June. Their vote tomorrow night is to put the bond issue out in June.

Councilor Egan suggested that the Council consider the project at some point and it would be appropriate to do it after the School Board has acted on it since we don't know what their decision is. The recommendation from the Facilities Committee is to recommend a somewhat reduced package of school improvements. The significant cost would be just under \$17M. They are also going to recommend that the vote be held in June but she doesn't yet know what the result of that decision will be. She hopes the Facilities Committee will come back to the Council and present whatever the School Committee actually adopts tomorrow night and at that point the Council can have a more robust discussion about whether it would be appropriate for the Council to take an endorsement vote or provide some formal input to them.

Councilor Sachs encouraged residents to go to the School Committee's meeting tomorrow night at 6:30 p.m. at the High School and provide input. At this time, their proposed time line is for a June vote. Councilor DeGrandpre feels strongly that it is important that this go to the voters in November when there are more folks at the polls. Councilor Egan suggested having a robust discussion with the Facilities Committee and air the Council's concerns and what their thoughts are about June versus November.

4. To review an endorsement of PACTS Planning Grants.

Mr. Joseph explained that this is in response to a request in a discussion we had in the District 4 meeting where we talked about grants and how we would handle them moving forward. A few Councilors wanted to make sure we were floating grants by the Council as they came, especially grants requiring matches. They do not require Council approval but the Town Planner has been working on them and will submit them before the next Council meeting assuming there are no objections. Both of these grants are with PACTS and are a 25%/75% split with the Town picking up 25% of the granted amount. They are planning grants. He briefly explained them and asked if the Council has any objections. Chair Hendricks asked if these would come back on an agenda for Council approval. Mr. Joseph explained that there would have to be an appropriation for Council approval depending upon the size of what is granted and whether or not we have planning money. Mr. Joseph advised that the cost would be \$16,250 and the total grant money would be \$75,000.

Councilor Egan noted she is excited about the East/West connection over 295 seeing as how the highway divides our community. This idea of trying to find a better connection has come up many times in the Active Living Task Force. Mr. Joseph suggested giving Ms. Larson credit. She saw these grant opportunities and said, "what do you think if I write a grant application to address all these things that have been coming up through the community input sessions, charettes, etc.?" This should be an example to residents that we do pay attention most of the time and try to do things that the community supports.

Councilor Sachs asked why the “way finding” is not considered a project for pedestrian and bike planning. She feels it is a great grant and excited that Ms. Larson was able to do that. Mr. Joseph noted that it is clearly pedestrian to some extent but perhaps it is not solely a pedestrian and bike project. A portion of it is vehicle traffic and it is whoever is going down the street. He offered to talk about it for another six or seven minutes if the Council wants to break at 11:30. Councilor Sachs suggested bringing to Ms. Larson with the Council’s thanks.

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**MOVED AND SECONDED:** To adjourn at 11:26 p.m. (Egan & Sachs) **VOTE:** (7 Ayes)

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Respectfully submitted,

Sharon Coffin  
Council Secretary

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #03-13**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**TUESDAY, FEBRUARY 5, 2013 - 6:30 P.M.**

|                                       | <u><b>PRESENT</b></u> | <u><b>ABSENT</b></u> | <u><b>EXCUSED</b></u> |
|---------------------------------------|-----------------------|----------------------|-----------------------|
| Rich DeGrandpre, 11 Timber Ridge Road | x                     |                      |                       |
| James Hendricks, 21 West Street       | x                     |                      |                       |
| Kristina Egan, 5 Weston Point Road    | x                     |                      |                       |
| Melanie Sachs, 84 Kelsey Ridge Road   | x                     |                      |                       |
| Andrew Wellen, 83 Hunter Road         | x                     |                      |                       |
| Scott Gleeson, 23 Park Street         | x                     |                      |                       |

Chair Hendricks called the meeting to order at 6:32 p.m. and took the roll.

**FIRST ORDER OF BUSINESS:** Pledge of Allegiance

Everyone stood and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the Minutes of Meeting #02-13 held on January 22, 2013 and to accept the Minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the Minutes of Meeting #02-13 held on January 22, 2013 and to accept the Minutes as printed. (Egan & DeGrandpre)  
**VOTE:** (6 Ayes)

**THIRD ORDER OF BUSINESS:** Announcements

Councilor Sachs announced that the Annual 24 Hour FCS Fuel and Food Freeze Out would take place on February 16 and 17 at the First Parish Congregational Church on Main Street. Sue Mack will be staying out all night long in the cold in order to collect food and money donations. Several other community groups will be helping Ms. Mack. Councilor Sachs and other Scouts will be there and would love to see folks come by and make a donation. If anyone has any questions, they can E-mail [smack@fcsmaine.org](mailto:smack@fcsmaine.org) or call her at 865-3985.

Chair Hendricks announced:

- Nomination papers for the District 2 Town Council vacancy are available at the Town Clerk's office. Nomination papers with no fewer than 50 signatures are due back no later than 6 p.m. on Wednesday, February 13. A special election for this vacancy will be held on March 20 in Town Council Chambers from 7:30 a.m.-8 p.m. For more information, residents can call the Town Clerk's office at 865-4743, extension 123.
- Perry Bradley and Marlene Budd from AARP will be providing free tax preparation assistance for low-moderate income households with special attention to those 60 and older on Wednesday mornings beginning February 6-April 10. Assistance is available by appointment by calling 865-4743 extension 120.

- Freeport Talks—Current questions are: 1) what are one or two features that Freeport has that positively differentiates it from other communities? 2) When discussing with friends over coffee what are the greatest challenges facing Freeport in coming years? Please provide input by going to [www.FreeportTalks.org](http://www.FreeportTalks.org).
- The Community Library will be holding its 11<sup>th</sup> annual Chocolate Bash on February 13 from 6:30-7:30 p.m. The evening includes chocolate tasting and raffles. Bakers and chocolatiers are welcome to donate their favorite chocolate creation to this fun Library fundraiser. Cul de Sac will be performing live.

**FOURTH ORDER OF BUSINESS:** Information Exchange

Councilor Sachs pointed out that the Planning Board will be discussing an agriculture amendment tomorrow night at 6 p.m. in Council Chambers. This was tabled by the Council and sent back to the Planning Board.

Councilor Sachs mentioned that the Communications Work Group would be meeting at 8:15 a.m. on February 12 here in Town Hall. They are hoping to finalize the Communication Plan for the Council. There is a lot of great information that will be on the Town's website fairly soon. They will also be talking about Cable TV. The meeting is open to the public.

Councilor DeGrandpre noted that the Appointments Committee would be interviewing folks on the 14<sup>th</sup> beginning at 8:15 a.m. for vacancies on the Planning Board, Project Review Board and several other positions.

Councilor Egan advised that the Active Living Task Force received seven proposals from their RFP to develop an Active Living Plan for Freeport that will look at our trails, bike lanes, roads and sidewalks and look into making it safer to walk, bike, ski and do all sorts of active living activities in Freeport. They are excited about the response. It was more than they expected and they hope to make a selection fairly soon. After that, they will have a kick-off meeting and will invite all Freeport residents to participate so they can start identifying the types of improvements that we would like to see in our community. She asked everyone to stay tuned for that.

Chair Hendricks called attention to the green cards in front of Councilors providing instructions for using the microphones. There have been instances where Councilors have not pressed their microphones on or off. He urged Councilors to turn their microphones on so they can be heard. Rick Simard mentioned that the green cards spell out the details that he sent to all Boards and Committees. He is confident that Councilors will find it simple to follow the four or five statements. One to two feet is the perfect distance from the microphone. Councilor Egan noted she appreciates all the work that Rick Simard has done in trying to improve the sound. If anyone has any problems, please let the Council know so that it can continue to make improvements.

**FIFTH ORDER OF BUSINESS:** Town Manager's Report

Mr. Joseph reported:

- L'Ecole Francaise du Maine had a ribbon cutting ceremony celebrating the opening of a new classroom as well as an addition leading to the new classroom. At the same event, the school was presented with formal accreditation from the French Ministry of Education by the French Consul General from the Boston Consulate.

- The Rabies Clinic held on January 26 was a huge success. 88 dogs and/or cats were vaccinated and the Clerk's office licensed 57 dogs. Thanks to the Town Clerk's staff for opening on Saturday to provide this great service to local residents.
- Freeport Town Clerk Tracey Stevens was elected as the 2<sup>nd</sup> Vice President for the Maine Town and City Clerks' Association in September and was also reappointed as the Legislative Policy Committee Chair. She will be testifying on several upcoming bills before the Legislature on behalf of the Clerks' Association, including bills on changes to absentee voting in Maine that would increase costs to our Town and most others in the State.
- The Freeport Community Library will be hosting its annual Chocolate Bash on February 13 from 6:30-7:30 p.m. The event will feature raffles, chocolate tastings and live music.
- The Public Works Department would like to announce that the process for annual availability of ditching material from summer construction would begin soon. The Town typically offers residents free ditching material delivered to their property after they sign a release form which will be posted on the Town's website soon. This form must be submitted on a yearly basis. The ditching material may contain some roadside debris and some rocks, brush and roots. It is the property owner's responsibility to smooth it out as well as observe all laws regarding proper placement on the property, final stabilization and maintenance of the material. This program provides free material to local property owners while helping the Town avoid disposal costs.
- The Town Manager's office and the Finance Department are gearing up for the FY2014 budget cycle. He has a schedule for proposed budget meetings in front of the Council. There is one proposed change, which is the addition of a meeting at the end of April. We originally had one Council meeting scheduled in April. There is an item on the agenda this evening to add a second one in April that he believes will not conflict with any vacation schedules. He asked Councilors to let him know if this doesn't work for them so that he can try to rearrange it. They will be starting with the Capital and TIF budgets at the beginning of next month and moving up to the Operating budget two months later. The schedule outlines the hearing dates. If those work for everybody, unless there is a major conflict, those are all open meeting dates that we have. He will go ahead and provide the notices and post the public hearings.
- The Town Engineer has been working on the Town's quiet zone designation procedure. We have received several resident inquiries as to the status. The required "60-day notices" were sent to all parties three weeks ago. The topic will most likely be back in front of the Council for consideration at their second regular meeting in March, or possibly the first regular meeting in April.
- Construction is progressing nicely on the Hunter Road Field House. The project is on schedule and moving full steam ahead. A picture taken on January 31, 2013 was provided in the report.

**SIXTH ORDER OF BUSINESS:** Public Comment Period –(Non-Agenda Items Only)

Edward Bonney, Freeport Train Center Manager, provided a report on the Freeport Downeaster Ridership for November and December 2012. The total number of passengers served by Freeport is 3,680. He expects to have the January and February numbers sometime late in March and he plans to provide the



Council with those numbers when he receives them. Mr. Bonney is pleased with the initial ridership experience for Freeport, as is NNEPRA. He answered questions for Councilors. If anyone has questions about schedule changes, they can call the Train Center, which is 869-5310. The Center is open on Friday, Saturday and Monday from 7 a.m. until the 6:10 leaves. On Tuesday, Wednesday and Thursday, the Center is open from 9 a.m. until the 6:10 train leaves. People are welcome to call during these hours. He invited the Council to come to the Train Center and visit.

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**SEVENTH ORDER OF BUSINESS:** To take action on the following items of business as read by the Council Chairperson.

ITEM #23-13 To consider action relative to adopting the February 5, 2013 Consent Agenda.

**BE IT ORDERED:** That the February 5, 2013 Consent Agenda be adopted.  
(Hendricks & DeGrandpre)

Councilor DeGrandpre thanked folks for continuing to support the Freeport Fuel Fund.

**ROLL CALL VOTE:** (6 Ayes)

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ITEM #24-13 To consider action relative to proposed amendments to Chapter 48: Freeport Traffic and Parking Ordinance pertaining to parking prohibition on Hunter Road in the vicinity of the Hunter Road Recreational Fields, and along the access road to the fields for a distance of 700 feet. **PUBLIC HEARING**

**MOVED AND SECONDED:** That the Public Hearing be opened. (Egan & Sachs) **VOTE:** (6 Ayes)

Town Engineer, Albert Presgraves provided an explanation for the Council. Councilor DeGrandpre noted that it is a practical application to get cars in and out safely. There will be signage and police can enforce it if it becomes a problem.

**MOVED AND SECONDED:** That the Public Hearing be closed. (Egan & DeGrandpre) **VOTE:** (6 Ayes)

**BE IT ORDERED:** That the proposed amendments to Chapter 48: Freeport Traffic and Parking Ordinance pertaining to parking prohibition on Hunter Road in the vicinity of the Hunter Road Recreational Fields, and along the access road to the fields for a distance of 700 feet be approved. (Egan & DeGrandpre)

**ROLL CALL VOTE:** (6 Ayes)

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ITEM #25-13 To consider action relative to conducting a public peddler lottery to fill three public peddler licenses.

**BE IT ORDERED:** That a public peddler lottery be conducted to fill three public peddler licenses: The following applications have been submitted.

Li Jin, d/b/a Chan Food (Wellen & Egan)

Mr. Joseph provided the Public Peddler Ordinance and explained how the lottery process usually works. There are four peddler licenses available. The Council approved one last year that was a renewal. One can have a four-year license before one is forced to go back through the lottery process. The application before the Council tonight has to go through the lottery process since they termed out their available renewals. There are no other people seeking this license so the Council will probably want to amend the order and grant the license. The Council will not conduct a lottery but the Ordinance says the Council has to do this. He referred to the Ordinance and mentioned that this is the only application before the Council.

**MOVED AND SECONDED:** To amend the **BE IT ORDERED** and grant the public peddler license for Li Jin, d/b/a Chan Food in lieu of any other lottery applicants. (Hendricks & Egan) **VOTE:** (6 Ayes)

**BE IT ORDERED:** That a public peddler license be granted for Li Jin, d/b/a Chan Food in lieu of any other lottery applicants. (Hendricks & Egan) **ROLL CALL VOTE:** (6 Ayes)

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ITEM #26-13                      To consider action relative to entering into an agreement with DSCI Corp. for a Town-wide phone system for the period 2013 through 2018 and to waive the competitive bidding process for this purchase.

**BE IT ORDERED:** That the Town Manager be authorized to enter into an agreement with DSCI Corp. for a Town-wide phone system for the period 2013 through 2018.

**BE IT FURTHER ORDERED:** That the competitive bidding process be waived for this purchase. (Sachs & DeGrandpre)

Finance Director Abbe Yacoben and Rick Simard explained the details and answered questions for Councilors. Ms. Yacoben is confident that the Town will be getting better service. Checks will be written to DSCI Corporation.

**ROLL CALL VOTE:** (6 Ayes)

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ITEM #27-13                      To consider action relative to revising the Town Council meeting schedule to include a regular meeting on April 23, 2013.

**BE IT ORDERED:** That the Town Council meeting schedule be revised to include a regular meeting on April 23, 2013. (DeGrandpre & Sachs)

Chair Hendricks explained that it will be budget time and it was decided an extra meeting would be helpful.

**ROLL CALL VOTE:** (6 Ayes)

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**OTHER BUSINESS:**

1. To discuss a potential amendment to Traffic & Parking Ordinance Section 48-503 (4), intending to allow the exemption of certain non-profit organizations from the 5% administrative fee.

Mr. Joseph explained that this is a continuation of the discussion the Council had with the Freeport Historical Society. In reading the Traffic and Parking Ordinance, the language stuck out when he was trying to craft how the wording was supposed to read when the Council grants an exemption to the

Historical Society as it moves forward in this meeting. He is proposing that an amendment be made to the Traffic and Parking Ordinance if the Council wants to grant that 5% exemption. The language that brought it to his attention is in the Leased Parking Standards. He referred to Article V. Leased Parking Standards, Section 48-503 (4). This outlines how leased parking lots work in Town. The one that caught his eye is "4) The Town shall bill the leaseholder and charge the lot owner 5% of the yearly lease fee to cover its administrative costs." The Council does not have the mechanism to waive a section that is attached to the back of the Zoning Ordinance. He would like to insert some draft language that would allow the Council to grant a waiver instead of saying, "we shall do it and they shall be charged the 5%."

Chair Hendricks mentioned that the waiver granted to the church last year appears a little sticky since in effect, the Council granted a waiver that it shouldn't have had the ability to grant. He asked Mr. Joseph if the Council needs to go back and re-grant the waiver to the church as well. Mr. Joseph noted that the intent of the action was pretty clear so he doesn't think there is any problem with that but suggested that if the Council adopts the new language, it should do both at the same time. After paragraph 4, Mr. Joseph suggested including language similar to the following: "Non-profit organizations/lot owners who perform their own billing may be exempted from the 5% administrative fee by order of the Town Council on a case by case basis, provided they report quarterly to the Town the status of their leases along with any delinquent lease payments."

Discussion followed. Councilor Sachs suggested adding in a revocation clause in the event that they don't do the reporting.

Mr. Joseph noted that the Council could add at the end: "If such report is not made, the Council may revoke by similar order." The intent tonight is to see if everyone is on board. It doesn't change any of the parking functions; it is simply a financial matter. It is an impact on the Planning Department, if anything but there would not be any impact if all the requests were followed. It does affect the Finance Department. Mr. Presgraves reminded the Council that Traffic and Parking primarily look at safety concerns and parking restrictions and this is really a financial issue. Councilor Gleeson totally agrees with adding the revocation clause but wants to be sure it doesn't turn into a monitoring cost for the Town. Mr. Joseph assured him it would not change things on the Planning side unless the Town has to chase down those reports.

Councilor DeGrandpre supports going forward for the non-profits but his concern is as we have more parking available if the Council makes changes, we will have more non-profits who have built parking in town and don't have a requirement to maintain all that for their use. The cost of parking may go down so as these contracts need to be renewed, the 5% some of these folks save may disappear because people may move from one lot to another for half as much money. He asked if the Town annually checks to make sure people have the required parking now and are in compliance with their Site Plans. Mr. Joseph replied that the Town does check.

There was agreement that the Town Manager should draft the language and put it on the next agenda as an action item.

2. To review and comment on the draft plan and estimated budget for the DEP Site Location Application on the combined Hunter Road/Pownal Road Fields project.

Albert Presgraves explained that he has been working with Al Palmer of Gorrill Palmer Consulting Engineers on the Site Location of Development Act Permit Application that the Town needs to file with DEP for the combined Hunter Road and Pownal Road sites and the implications that are involved in combining the sites and having to meet current storm water rules. They have met twice with the DEP to get them to agree to accept some creative approaches that provide the necessary storm water treatment

improvements and allow the Town to make them. Working with Mr. Palmer, their intent is to put something together that follows the Town's desire based upon the results of the Town's charrette process and other meetings they have had with the Council.

Mr. Palmer provided a brief overview of the information provided in the Council's packets. He clarified for Councilor Egan that going forward and spending \$59,000 on stormwater improvements to Pownal Road would bring the Town into full compliance. It is the minimum that the Town has to do. Mr. Palmer noted it is recommended that these stormwater improvements be done in fiscal year 2013-2014. The DEP views this as a priority to bring the Town into compliance. Mr. Presgraves pointed out that the \$59,000 stormwater improvements do not include treating the stormwater from the existing parking lot and that is why the DEP may not accept the proposed schedule the Town wants to give them. While we may feel it is reasonable, they may not agree with us. There is a chance that they could say that the Town has to do all of that as soon as possible. Mr. Palmer noted that there are a lot of ways to restructure the proposal.

Councilor DeGrandpre explained that the School Committee in June will be asking if we are willing to spend 17 million dollars at the high school which includes a turf field, track, etc. That will move the football activity to the high school. He wants to get his arm around where we are here and what we can do to make the DEP happy initially and if that is simply moving the driveway to the other end and reclaiming some at this end and building the other pieces for \$59,000. If the vote passes in June, the RSU has an aggressive schedule to build. Mr. Presgraves explained that the Town has to provide stormwater treatment of the existing parking lot and from a cost efficiency standpoint, if we are able to expand the parking lot and build the stormwater treatment system bigger at one time, that is better than putting in just enough treatment for the existing parking lot. Having to have a separate contract and modify what we have already built will make us spend more money than if it was all done as one project to begin with.

Councilor Egan pointed out that if there is not going to be as much activity at Pownal Road anymore then some of that need expressed at the charrette may not be a need that we have in the future. If we want to be as fiscally conservative as possible in trying to meet the absolute permit requirements, we could do this in a cheaper way than what is outlined in this proposal. Mr. Palmer agreed and explained that spending \$100,000 the first year would address the buffer and the existing parking lot. Regardless if football moves, if this is going to stay as a recreational facility with two fields, it is under "parked" today. Whether it is football or more heavily used for soccer, lacrosse or field hockey, it is under "parked" today. The program may move but unless the facility is not going to be used, at some point, the Town will need to look at the parking. He mentioned the options that were included in the report.

Councilor Wellen asked if the Town did the minimum required for the cost of permitting Phase One and Phase Two, what would be Mr. Palmer's best guess of total cost. Mr. Palmer replied it would cost \$100,000 for construction and \$18,000 for the permit application costs.

Councilor Egan asked if the Town were to transfer the land to the RSU, would it have to incur that expense? Mr. Palmer explained that the DEP indicated that the Town would not incur this expense if it is a clean break and is not a part of the overall facility.

Councilor Wellen noted that has heard from people in his District that they want to spend less because of the school situation. Councilor Egan mentioned that if the Council looks at the charrette results that were included in Council's packets, one of the things that ranked high was construction of new trails. They could be small, low impact trails that would provide greater connectivity. She asked Mr. Presgraves to comment on this. Mr. Presgraves explained that the DEP indicated as long as the trails are low impact and are covered with a wood chip surface, they do not need to be permitted under Site Location law. There is approximately \$15,000 in the existing Capital Budget in the Hunter Road field Project for trail development that has not been spent and the trail improvements have not been scheduled. Councilor Egan

mentioned there are a lot of different opinions in the community on where the trails should be so as the Council proceeds with the planning process, it should make sure that there is a full civic engagement process around that. She feels the Conservation Commission, residents in the Hunter Road Field area as well as the RSU athletic folks who would be using the trails for cross-country, etc. should be involved. Mr. Palmer pointed out that there would not be stone dust paths because they would need to be a permitted activity. A wood chip or mulch surface would not need to be shown on the plan and there should be no wetland impact or taking down a lot of trees.

Mr. Presgraves noted he is feeling a little scheduling pressure to get something submitted to the DEP. He would like to get an application into the DEP within 6-8 weeks. Councilor Wellen suggested permitting the minimum since the Town has huge expenses coming down. Mr. Joseph explained that it is his understanding that we are moving forward with submitting a permit but the details are definitely in question. He felt this was consensus the last time it was discussed. Divesting of the field did not go over very well the last time it was discussed. Councilor Sachs recalled that there was quite a range of discussion last time and listed the options. Chair Hendricks asked Mr. Presgraves if the Council makes a decision on February 26, would it give him enough time to prevent us from getting in a situation where we will start getting fined by the DEP? Mr. Presgraves noted that the DEP has not been talking about fines or being very harsh at all. While they probably won't be happy to hear we are going to put them off 3 or 4 weeks, they will get over it. Mr. Palmer explained that if the Council decides to divest the property, he would not want to do anything else on the design side. If the Council decides at its next meeting or the first meeting in March to not divest the property and go ahead with the permit application, they will need to nail down the entities they are going to include. They can still keep moving forward with the application.

Councilor Egan explained that the Council never said that we do not want to further consider divesting of that property. The Council never made that decision. Going into this budget year, she feels the Council should be as prudent as possible with its dollars. She is not in favor of selling the property. It is land that belongs to Freeport residents but the RSU is a sister organization and she believes the Council can build into any kind of a land transfer, a guarantee that if the RSU were to dissolve, that land would come back to Freeport residents. It would save Freeport \$100,000 next year which is not a small amount of money. It would be used exactly the same and our kids would be able to access it and it would be managed by the same entity. She would like the Council to fully explore this.

Councilor DeGrandpre advised that it doesn't matter if the Town owns the field or the RSU owns it, there is a need for more parking. If we hand the deed to the RSU, stormwater still needs to be mitigated and the Council needs to figure out if it intends to treat the stormwater or nobody treats the stormwater and we just hand it away. The Council does not know what will happen in June. If football moves from Pownal Road to a new field, it will be a couple of years away. He had questions about parking, which were addressed by Mr. Palmer.

Chair Hendricks advised that he is not comfortable talking about divesting without public comment. He wanted to know if this is on the table. If not, the Council can tell the engineers to move forward with the permit. Councilor Wellen would like to see the field go back to a meadow but not divest it and not move forward with the whole site process. He would prefer to control the field. He would like to get more public input. He thanked the folks that went to Augusta and got a more reasonable solution.

Chair Hendricks indicated he knew where Councilor Egan stood. He noted that even if Freeport has a new turf field, it would not diminish the need for athletic playing fields. The cost of building a new field would be greater than the cost of permitting.

Councilor Sachs had questions about deadlines. Mr. Palmer recalled a discussion where they would be able to submit an application at the middle of March-first of April. If there is a discussion of divestiture, he would alert the DEP tomorrow to make sure they know what is going on and it appears on their radar screen. As long as the DEP feels the Town is making progress, they will work with the Town. His guesstimate of \$40,000-\$50,000 would be the cost for getting the property back to nature. Councilor Sachs appreciates the options provided this evening. She doesn't feel that she has enough information to make a decision tonight.

Councilor DeGrandpre feels at the next meeting there should be an action item on the agenda and the Council should plan to hear from the public. It is important to let them know that we are going to be talking about this. This is a tough decision for a community to make. He wants details, pricing, what do we get for parking for so many dollars, the uses going forward. The field will have to be fixed by somebody and at the end of the day, the Town of Freeport will be writing the check. He would like discussion with the School Committee on the uses if the high school project goes forward. Chair Hendricks indicated that the School Committee will talk to the Council when it makes a motion to transfer the property to them.

Councilor Gleeson noted that it sounds like there has been a great job done in working with the DEP. Freeport has land and no one is making any more land. While the thought of divesting to the RSU is an option, he would like to hold on to what we have to the best of our ability. He is open to hearing all options and feels the Council should wait two weeks. Public opinion is huge on this. With all of the unknowns of money coming down, he would like the least expensive option to keep this in our possession.

Councilor Egan agrees that the Council should try to take action on this and put it to bed. We do have a lot of new Councilors who have not been through the budget process yet. We are looking at significant investments in safety measures for Quiet Zones. We have unfunded maintenance needs on the Hunter Road fields and this unexpected expense of trying to deal with the stormwater permit. She hopes the Council will look at these things holistically and understand all the costs coming before it. She reminded everyone that there is a no cost option on the table here and given all the costs before the Council, she hopes it can be given due discussion.

Chair Hendricks pointed out that he wants public input. The Council's next meeting will be on the 26<sup>th</sup> so he proposes having an action item that night and deciding whether we divest ourselves of the property and whether it is a yes or no. Our second option will be to move forward with the permitting process with all the items presented and then the Council can make amendments and take off the items we don't want. If anyone needs information, he will make sure it is provided before the meeting. He asked Councilors to be prepared to make a decision that night. Councilor Sachs suggested putting this question on FreeportTalks and she offered to put it on. She will come up with the appropriate language.

Chair Hendricks asked Mr. Presgraves and Mr. Palmer to contact the DEP and let them know that a decision will be made in two weeks. He is hoping the DEP will not come down too hard on them. Councilor DeGrandpre asked if the DEP is aware of the high school renovation project with a change in field needs in the community. Mr. Palmer indicated that the high school component has not been discussed with the DEP but if the project goes forward, it will most likely go to the department for review. He mentioned that he would make sure they know about it.

Councilor Egan mentioned that if DEP decides that we really don't need to make a decision until after the June vote and it will give the Council a lot more information to make this decision, we should make sure that we don't put this on the agenda and we don't put up a Freeport Talks question. We would need to

understand this sooner rather than later. Mr. Palmer noted he plans to have a discussion with the DEP tomorrow and will follow up with the Town Engineer and the Town Manager.

3. To review and comment on a PACTS funded overlay paving project for Desert Road that will require local funding of \$4,744 of a \$31,625 project.

Mr. Presgraves explained that the project is a collector road overlay project, which is half of what all PACTS funding goes towards. Those projects are selected by an internal PACTS process based on the condition of all the collector roads in the PACTS region. This project came to us from PACTS. They identified that little segment of road from the overpass bridge at Exit 20 to the stoplight where Desert Road and Route One come together as a project that should have been done a few years ago. He explained the history on this project. This lets you know that PACTS selected the project and we are in line to get that money. Mr. Presgraves is not requesting Council commitment at this time for the local share of the funding which is \$4,700 but his general approach to all these PACTS projects is that if they are going to do a paving project in some location that needs to be paved, and we only have to pay our 15%, we should do it. He assured the Council that it would be seeing more of it in the future. He clarified that the project is from the Interstate Bridge to the stoplight, which is .04 of a mile. He mentioned that we couldn't do it ourselves for \$4,700.

4. Update on the Island Rover Project.

Chair Hendricks explained that this would be discussed on February 26. Mr. Joseph provided an update for Councilors. He has met five or six times with Harold Arndt, president of the Island Rover Foundation as well as two times on site with the Codes Enforcement Officer. Mr. Arndt was unable to obtain a financial guarantee that should the work not be completed within a set timeframe, there would be a letter of credit or some other credit instrument. The specific request was for an irrevocable letter of credit but the Town would have considered anything that was some sort of financial guarantee that we could call in which was unable to be obtained. There was a lack of ability to get the financing but Mr. Joseph didn't really know why. This is something the Council can ask Mr. Arndt on February 26. If there is any good news is that we have had some correspondence from the DEP and the Fire Department. Some of the listed concerns back when this was discussed previously, were the hazardous materials that may or may not be on site and the stockpiling of solid waste that may or may not be occurring on site and the fire hazard that may or may not be occurring on site. There are letters from DEP stating that these are not occurring but are conditioned to specific times. It is not all clear. He provided a copy of the Consent Agreement so that the Council could read through it.

Mr. Joseph advised that a couple of residents have called in. Mr. Joseph referred to paragraph 3 of a memo he wrote to the Council where he discussed asking the Codes Officer for a formal opinion and a notice of violation if that is his opinion of what should be issued. Mr. Arndt and several people called in and said it was issued. He found a copy of a draft violation notice in the file that was never formally served. The draft was worked out between our Attorney and Mr. Reeder and was never served upon the Island Rover Foundation. The draft material states what Mr. Reeder's viewpoint was that there was a manufacturing violation of zoning and a junkyard situation occurring but was never served as an official notice of violation by the Codes Officer. Mr. Joseph has asked Mr. Reeder to make a formal determination between now and February 26 and it will also involve meeting with the Town's Attorney to make sure we are absolutely clear on what's happening and what we are going to say is happening on the site. Mr. Reeder will be attending the Council meeting on the 26<sup>th</sup> to answer Council's questions.

It is a complicated issue. Mr. Arndt is committed to finish the project and move it off. Councilor DeGrandpre stated that the Council really wants to see the boat completed and gone but questions how to

get there with the challenges going forward. The Town has \$5,000 in escrow, which is from the previous Consent Agreement. He is interested in information that will be provided at the next meeting.

Mr. Joseph noted that Mr. Arndt does not want to enter into a Consent Agreement with the Town. He is aware that this may lead to an enforcement action. Mr. Joseph is confident that Mr. Arndt will discuss this on the 26<sup>th</sup>. Discussion followed.

Chair Hendricks noted that the Council will have a more in-depth conversation at its next meeting. He asked the new Councilors to wrap their arms around this project. He watched the meetings from 2005 and 2010 and has the Minutes from those meetings. He suggested that the Council attend a site walk because it would be better to see the property and what is going on there if the Council makes a decision on that night whether to enforce the Consent Agreement or enforce the Zoning Ordinance, etc. If it is the Council's pleasure to try to negotiate a different Consent Agreement and let Mr. Arndt continue to build the boat there and give him different options, this needs to be thought out as well. It will come down to the majority of what people want to do. Will the Council enforce? Does the Council have the ability to enforce? Does the Council want to scrap the former Consent Agreement done by the former Council and start new?

Councilor DeGrandpre suggested that the Council read through the ten bullet points provided by Chair Cassida. The Council agreed on some of them. Chair Hendricks pointed out that no matter what happens, the Council has the ability to clean up the site and eventually this boat leaves the property whether by an enforceable zoning ordinance or the boat floats away in the Flying Point area.

Mr. Joseph added that the Council should know about removal of the boat and trucking it to another location to finish it, which is prohibitive from a cost perspective and manpower perspective. To move it in a solid way, it has to be welded together. At that point in time it only needs minor work to launch it to make it water tight and put the required engine and equipment on it. It is too tall to move under the power lines and this would make it expensive to have to pay the utility company to move all the lines. If Mr. Arndt had the money to move it and pay to have the utility lines moved, the boat would be done already. A DEP launching permit is also necessary. One of the other things in the proposed Consent Agreement was to get estimates to make it trailer ready and move it in an unfinished state. The estimates to move it a mile from where it is now and launch it into the water in a finished state are \$80,000-\$100,000. He noted that it would take a court order to take the boat and scrap it.

Councilor Egan mentioned that Mr. Arndt has been fundraising for a long time and she has serious doubts that he will be able to raise the kind of money necessary to do any of the options laid out except for scrapping it. Many Staff hours and many Council hours have been invested in trying to understand this complex problem. She does not feel it is the Council's job to solve Mr. Arndt's problems. The Council needs to do what is best for the Town's taxpayers and what is best for the neighbors in the area and proceed from there.

Chair Hendricks hopes to schedule the site walk and mentioned that it could take place on a weekend morning. It has to be publicized.

Councilor DeGrandpre pointed out that Donna Larson provided him with a couple of the elevations of the houses that Habitat is building. He noted that there is some architectural significance to the Mallet homes. He offered to share them with anyone interested.

**MOVED AND SECONDED:** To adjourn at 9:27 p.m. (DeGrandpre & Egan)  
**VOTE:** (6 Ayes)



Respectfully submitted,

Sharon Coffin, Council Secretary

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #04-13**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**TUESDAY, FEBRUARY 26, 2013 - 6:30 P.M.**

|                                       | <u><b>PRESENT</b></u> | <u><b>ABSENT</b></u> | <u><b>EXCUSED</b></u> |
|---------------------------------------|-----------------------|----------------------|-----------------------|
| Rich DeGrandpre, 11 Timber Ridge Road | x                     |                      |                       |
| James Hendricks, 21 West Street       | x                     |                      |                       |
| Kristina Egan, 5 Weston Point Road    | x                     |                      |                       |
| Melanie Sachs, 84 Kelsey Ridge Road   | x                     |                      |                       |
| Andrew Wellen, 83 Hunter Road         | x                     |                      |                       |
| Scott Gleeson, 23 Park Street         |                       |                      | x                     |

Chair Hendricks called the meeting to order at 6:30 p.m. and explained that Councilor Gleeson is excused this evening. He took the roll.

**FIRST ORDER OF BUSINESS:** Pledge of Allegiance

Everyone stood and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the Minutes of Meeting #03-13 held on February 5, 2013 and to accept the Minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the Minutes of Meeting #03-13 held on February 5, 2013 and to accept the Minutes as printed. (DeGrandpre & Egan)  
**VOTE:** (5 Ayes) (1 Excused—Gleeson)

**THIRD ORDER OF BUSINESS:** Announcements

Chair Hendricks announced:

- There will be a special election to fill the District 2 Town Council vacancy on March 20 in Town Council Chambers from 7:30 a.m.-8 p.m. Absentee ballots are available at the Town Clerk's office. The deadline to request one is March 14 at 6 p.m. For more information, residents can call the Town Clerk's office at 865-4743, extension 123.

The Freeport Save our Neighborhoods Coalition will be hosting a Candidate's Reception for the District 2 Town Council seat on Monday, March 4 from 7-9 p.m. at the Freeport Community Center. Candidates will have an opportunity to speak briefly about themselves, followed by a question and answer period from the audience facilitated by a moderator. Refreshments will follow.

- Upcoming FreeportTalks topics will include the High School renovation project, agriculture, agritourism and the capital budget. Please provide your input by going to [www.FreeportTalks.org](http://www.FreeportTalks.org).
- Sitting Pretty, the Mirror is the Canvas, a charity auction to benefit the Port Teen Center will take place on Sunday, March 24 from 4-6:30 p.m. at Freeport Community Center. For more information call 865-6171, extension 29.

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- A Freeport Community Band Benefit Concert to support the Carol Kaplan Fuel Assistance Fund will be held on March 12 at the Harraseeket Inn. Donations will be accepted at the door. For more information call Freeport Community Services at 865-3985.
- On March 10 at 1:30 p.m. at the Freeport Community Library there will be a special presentation and rum tasting entitled “Peddling Your Wares – A Look at Itinerant Merchants in early 19<sup>th</sup> Century. Tickets are \$5 at the door. For more information, residents can contact the Freeport Historical Society at 865-3170 or [www.freeporthistoricalsociety.org](http://www.freeporthistoricalsociety.org).
- AARP will continue to provide free tax preparation assistance for low-moderate income households with special attention to those 60 and older on Wednesday mornings beginning February 6-April 10. Assistance is available by appointment by calling 865-4743 Extension 120.

**FOURTH ORDER OF BUSINESS:** Information Exchange

Councilor Egan noted that the Communications Working Group was established last summer to engage residents in decision-making. They have been working for approximately 8 months and are nearing the end of their Communications Working Group Plan. They hope to be bringing their plan to the Council fairly soon for adoption. One of the early items they worked with town staff on was the development of a Town Manager Report and Mr. Joseph has been including this on the agenda as the Council goes forward. She announced that they are ready to take the next step in creating a municipal bulletin, which will include the Town Manager’s Report as well as other announcements that will be of interest to the Town. She noted that the first one will be E-mailed out next week and if anyone signs up on the [www.freeportmaine.com](http://www.freeportmaine.com) website for bulletins, they will get an e-mail. If not, she encouraged residents to go and click the box that says “Municipal Bulletin” and they can expect to get about two a month. She encouraged Councilors that maintain E-mail lists of their own for their own constituents to forward the first one and let people know that they can go to the website to sign up. This will get this information to many more people than are signed up on the website.

Chair Hendricks serves as a liaison to the Winslow Park Commission and attended their last meeting. He noted that last year the Park had a banner year. Everything looks good at the park. A basketball court will be made available this year.

**FIFTH ORDER OF BUSINESS:** Town Manager’s Report

Mr. Joseph briefly reported:

- Between February 8 and February 10 the region received 25-30” of snow and experienced wind gusts between 50-60 mph at times. Freeport experienced several localized power outages, most of which were restored by Saturday evening. There were several motor vehicle accidents attributable to the storm but no serious injuries were reported.
- Public Works road crews worked a total of 45 hours between Friday and Sunday during the storm. Snow removal operations were conducted overnight Sunday into Monday, Tuesday and Wednesday.
- The Maine Emergency Management Agency is preparing a request for Public Assistance Disaster Declaration to the Federal Emergency Management Agency, which may enable us to recover

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some of our storm costs if the disaster declaration is issued. We have already submitted an initial claim of approximately \$42,000 from Public Works and approximately \$3,800 dollars from Fire and Rescue. These costs include overtime, materials, fuel and other costs associated with the storm and resulting snow removal. He extended thanks to the Public Works crew. He didn't receive any complaints during the Storm.

- Mr. Joseph publicly acknowledged and thanked L.L. Bean, Inc. for their continued support of the Hunter Road Fields project. The Town recently received the second installment of their pledge bringing their total donation so far to \$300,000. L.L. Bean has pledged a total of \$500,000 to support this project, which represents about 1/6 of the total capital cost of the project. In their letter the company indicated their final payment of \$200,000 would be made later this year.
- The next "free movie day" for Freeport residents at the Nordica Theatre will be held on Tuesday, April 9. This event is held every spring and is required as a condition of the approved TIF. This event has drawn upwards of 800 residents in the past.
- Fire Chief Darrel Fournier recently completed a 40-hour training course on Hurricane Response, Coastal Flooding and Storm Surge Prediction at the National Hurricane Center. The Federal Government paid all expenses for this training.
- At the request of the Town Council last year, Town Engineer Albert Presgraves compiled a guidance document for private road owners regarding maintenance and paving issues. Mr. Joseph will provide a copy of this document to the Town Council to review. If the document is satisfactory, it will be made available for distribution to private road owners in town.
- Mr. Joseph included a picture of the Hunter Road Field House interior, which was taken on February 21, 2013.
- Earlier this week, Freeport Community TV/channel three experienced a significant audio failure. Comcast equipment failure on the receiving end of our fiber optic signal feed caused the problem. Comcast dispatched a technician to repair their equipment after FCTV Director Rick Simard determined that the failure was not with the Town's equipment. It took Comcast almost 24 hours to fix the problem and Mr. Joseph apologized for any inconvenience this may have caused.

**SIXTH ORDER OF BUSINESS:** Public Comment Period (Non-Agenda Items Only)

Chair Hendricks declared the Public Comment Period on Non-agenda Items only open.

Joyce Veilleux of Island View Lane pointed out that the American Legion and Freeport Masonic Lodge kicked off their fundraising campaign to pay for the flags proposed for 26 light poles on Main Street. They will be displayed between Memorial Day and September 11. Brochures are going out and it will be placed on Channel 3. Tax-deductible donations can be sent to: American Legion, P.O. Box 60, Freeport, ME 04032.

Keith McBride, FEDC Director announced that a touring group from Turner will be signing a lease fairly soon on the former Freeport Factory Stage space. The show is called "Audio Body" and is described as high tech comedy. Instead of Freeport Factory Stage, they have chosen to rename the venue "Freeport Theater of Awesome". They plan to open on March 8 and tickets are available for sale at [www.AwesomeTheater.com](http://www.AwesomeTheater.com).

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FEDC has been given a goal to work with the other business groups in Freeport—Freeport USA and the Greater Freeport Chamber of Commerce on collaboration and efficiency. They have been moving forward with this by meeting on a regular basis. They have included some of their Board members as well. They had an extremely productive meeting yesterday discussing the focus for each group. He will continue to report to the Council.

He was able to access all of the taxable retail sales figures from the Maine Revenue Service since 2006. He noted this is a small economic indicator that the Council could look at. It is apparent that the recent recession has meant extremely unstable retail sales. Between 2007 and 2008 Freeport lost a disproportionate amount of retail sales compared to Cumberland County and the State of Maine at large but gained more compared to those large geographic areas between 2009-2010. On the chart for 2012 they want to see Freeport growing slightly greater than the others but maintaining its competitive advantage. If anyone has questions, they should feel free to contact him. He will look forward to providing data similar to this in the future to the Council.

State Representative Sara Gideon updated the Council on what is going to happen in terms of State budgets and the threat of a complete suspension of Revenue Sharing and other things. At the end of March / beginning of April, she will be hosting a forum along with Senator Gerzofsky to discuss the budget and present what is proposed. At that point they will be able to tell what is happening within the appropriations room and how that budget will be reshaped from its present form. She asked the Council to stay tuned; it is coming.

She does not support in any way the suspension of Municipal Revenue Sharing since she has sat in the Council's seat and knows what it means to Freeport. She answered questions for Councilors.

**MOVED AND SECONDED:** To close the Public Comment Period. (DeGrandpre & Egan) **VOTE:** (5 Ayes) (1 Excused—Gleeson)

**SEVENTH ORDER OF BUSINESS:** To take action on the following items of business as read by the Council Chairperson:

ITEM #29-13                      To consider action relative to adopting the February 26, 2013 Consent Agenda.

**BE IT ORDERED:** That the February 26, 2013 Consent Agenda be adopted.  
(Hendricks & DeGrandpre)

Chair Hendricks read the appointments for members of the public.

**ROLL CALL VOTE:** (5 Ayes) (1 Excused—Gleeson)

Councilor Egan thanked everyone for applying to serve on Town Boards and Committees. She hopes that people at home will consider applying for a Board position in the future as vacancies come up.

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ITEM #30-13                      To consider action relative to the development of an Active Living Plan as proposed by the Active Living Task Force.

**BE IT ORDERED:** That the proposal submitted by the firm 'Street Plans' of Brooklyn, NY, to develop an Active Living Plan for the Town of Freeport be accepted.

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**BE IT FURTHER ORDERED:** That a supplemental appropriation from the public infrastructure reserve fund in the amount of \$23,625 be approved, for the purpose of developing an Active Living Plan for the Town of Freeport. (Egan & Sachs)

Council Vice Chair Egan explained that the Council appointed an Active Living Task Force last summer in recognition that we needed a safer way for people to walk in Freeport and to be more active and have more safe choices in pursuing a healthier life style. In October the Council asked the Task Force to issue Request for Proposals from consultants to help them to develop an Active Living Plan. PACTS has said they would help us if we had a professional consultant as well as the Bicycle Coalition of Maine said they would help us do that. She provided a copy of the minutes so that new Councilors could look back at the decision that was made at that time. She reviewed the quick points. She thanked Ann Marie Davee for all her efforts as well as the Task Force. It has been a tremendous volunteer effort.

Ann Marie Davee thanked the Council for appointing the committee. She urged them to support the funding allocation to contract with “Street Plans” of Brooklyn, New York to create an Active Living Plan for the Town of Freeport. It will bring the Task Force’s vision to a reality. She answered questions for Councilors.

Gretchen Giumarro of West Freeport noted that she participated in the consultant interviews. She found “Street Plans” to be very experienced and had energetic and innovative ideas. This is what they do every day. They offered a good value. They have low overhead and low travel costs. Their suggestions are ready to go.

Julie Coleman served on the Task Force and participated in the interviews. She read her reasons for engaging “Street Plans”.

Valy Steverlynck of Pine Street feels this is something that the Town can do to help fight obesity. She has three children and is active in the schools. She encouraged the Council to provide the funds to support the Active Living Plan.

Andy Spaulding of South Street, father of three, runner, and dog walker encouraged the Council to make this plan happen. It will benefit future Councils, not just this one.

Lucy Lloyd of Maquoit Drive applauded the committee for all their efforts but asked if the money could be spent in the community and have our Town Planner and Town Engineer sit down with a volunteer group and look at this. Freeport is a town of approximately 8,000 people and the front page of *The Forecaster* talks about how hard it is for people that are not economically advantaged to live in Freeport. Freeport Community Services (FCS) is struggling to help people put oil in their tanks. She feels the Town needs to tighten its belt. She would prefer to see the money spent in Freeport and put some Freeport folks to work rather than hiring someone from New York. She feels the plan is wonderful but hopes it can be implemented differently.

Susan Campbell of Hunter Road applauded the work that has been done. The Plan has a lot of good points. As a nurse, she sees the affects of obesity on the public. She has concerns because she sees people struggling every day. They cannot pay their medical bills, they cannot pay for oil, food, clothes or taxes. She asked if there is another way to accomplish what the committee is looking to accomplish without expending that amount of money. She is confident that there is a group of volunteers willing to join with the Task Force to help. Perhaps this is not the time to spend this amount of money but something can still be done to ensure a healthier lifestyle for residents. She noted that this expenditure is being asked for in

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advance of budget season.

Roben Voigt of Maquoit Drive explained that he supports active living and feels it is very important. He supports an active life style for seniors as well as children. He sent a letter to the Council requesting that we utilize money that we have now to address other needs that we have in our community. While this project sounds good, he questions what the consultant will propose and will the Town have to spend more money? He suggested pulling together community experts and use the money to include putting bike lanes in on some of the roads or putting center lines on some of the roads so folks could find their way on a foggy night. There are community needs that should be addressed and coming up is the field permitting and school renovations. He suggested that the Council look at other options and not an outside consultant.

Andrew Arsenault of Route One noted that he is an active walker. He appreciates all the work that has been done but shares the concerns for the amount of money proposed and what the consultant will bring to the Town and the future impact on the budget. He explained that we have a Town Planner and a Town Engineer on staff and he is confident that Freeport can assess things locally. Economic times are not as good as they used to be and people are not flush with money. While this is important, he feels we should be able to pull together enough local people that could work through some of these issues without someone from away telling us how to do these things.

Jess Mellon of Flying Point Road pointed out that she has concerns with spending this money and has been working to raise money for FCS. She supports the Active Living Task Force. She feels the Plan is important for families. She and her kids cannot ride a bike on Flying Point Road. She wants her kids to be able to go out their front door and be active. She supports the Active Living Task Force and loves living in Freeport. She feels they will bring people in the community together.

Stephanie Helms of Lunt Road applauded the direction the Task Force is going in but she doesn't need a consultant to tell us that our roads are in disrepair. We need the money to fix the roads and add bike lanes. She would like to keep the money in Freeport but that active living should be a part of Town Planning and should be an integral part of the Town Planner's job. When her road is rebuilt, she wants to see a bike lane added. She feels the Town knows what it needs to do; it just needs to do it.

Brian Sloat of Beech Hill Road agreed with the previous speaker. He explained that the appropriation of almost \$24,000 is a great amount of money when it can be used in the planning process. The planning process needs to take place for the Active Living Plan. The Active Living Plan is a very good aspect for the Town to pursue but we need to look at priorities and we need to look at a plan. That plan later on becomes monetary. A plan comes first. He asked the Council to consider priorities and consider a plan.

Chair Hendricks brought the discussion back to the Council. Ms. Davee explained that "Street Plans" is a national professional firm that has expertise that is not existent on the Task Force. She is not confident that the Task Force can put a plan together that would be achievable. She feels that a plan is needed with justification, design guidelines and criteria. Councilor Egan pointed out that the Council would not ask a volunteer committee to design a road, etc. and it is not appropriate to put a bike lane on every road. A consultant can help us figure out where to target our dollars. More discussion followed.

Councilor DeGrandpre noted he is not prepared to support this expenditure tonight. The Council is starting its budget process and he would like to put it in the mix for funding going forward. He thanked the Task Force for all the work that they have done. There is a need in this community to make our roads safer for motorists, bikers and walkers. He wants to put everything in context and make the best decision for the community. If the school renovations pass in June, it could add 75 cents to the mil rate. He wants

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to be sure this is the best use of these dollars. Councilor Egan noted that she would be willing to support putting this into a discussion for the budget as the Council goes forward. She hopes people understand how this racks up as a priority. Councilor Sachs noted that this is clearly a community priority and feels the \$23,000 is an excellent return on investment. The Plan will benefit every single citizen. Chair Hendricks suggested tabling this item tonight and ask the Town Manager and Finance Director to put it into the Capital Budget process and the Council will have a bigger picture of what the budget will look like for next year.

**MOVED AND SECONDED:** To table #30-13 to include in our Capital Budget for discussion at our next meeting. (DeGrandpre & Wellen) **ROLL CALL VOTE:** (5 Ayes) (1 Excused—Gleeson)

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ITEM #31-13                      To consider action relative to approving a liquor license application for Tuscan Brick Oven Bistro located at 140 Main Street.

**BE IT ORDERED:** That a Public Hearing be scheduled for March 5, 2013 at 6:30 pm in the Freeport Town Hall Council Chambers to discuss approving a liquor license application for Tuscan Brick Oven Bistro located at 140 Main St.

**BE IT FURTHER ORDERED:** That copies be distributed equally between the Town Clerk's Office, the Town Manager's Office and the Freeport Community Library for inspection by citizens during normal business hours and the notice be placed on Freeport's local cable channel 3 and the Town's website. (Wellen & DeGrandpre)

There were no questions. Councilor DeGrandpre noted that this is the former Siano's property.

**ROLL CALL VOTE:** (4 Ayes) (2 Excused—Gleeson & Egan)

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ITEM #32-13                      To consider action relative to the Pownal Road Field.

**BE IT ORDERED:** That the Council Chairman and/or Town Manager be authorized to enter into discussions with RSU #5 officials to determine whether RSU #5 would be willing to accept ownership of all or a portion of the Pownal Road Field site from the Town of Freeport. This item is intended to authorize only the negotiation of potential conditions of transfer, which shall be subject to review and approval by the Town Council before becoming effective.

Note: If this item is approved, the following action item (ITEM #33-13) shall be passed over. (Sachs & DeGrandpre)

Council Chair Hendricks explained this item as well as the following item. Mr. Joseph advised that he provided information to folks that requested additional information. 15 extra copies were provided on the table this evening and he asked folks to share it. \$59,000 would be the cost for water quality improvements to Hedgehog Mountain Road, buffer and turnouts and water treatment before the runoff from the road hits the stream. \$69,000 is the stormwater runoff treatment portion of the parking lot improvements. The \$69,000 is Al Palmer's estimate of the \$121,000 he said would be the total cost to the parking lot, how much of it he said would be directly attributable to the stormwater treatment as opposed to extending the parking lot on the other side. There are two sets of numbers. You can say \$121,000 if you want to do the parking lot expansion at the same time or you can say \$69,000 if you only want to



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treat the buffer. The other two costs, which have been out in front, are the permit application fee from DEP and the engineering fee from Gorrill Palmer, which has already been approved by the fact that we contracted with them. We have already incurred \$8,000 of the \$25,000 cost. The total is \$171,080 and \$8,000 has already been spent. The total that the Council has an opportunity to impact tonight by its vote is roughly \$163,000. Obviously the Town will have to write a check for \$25,000 and \$18,000 this fiscal year. The Hedgehog Mountain Road water upgrades if this proposal passes, will be done next fiscal year so it could be a capital item in the cycle the Council is about to do. The parking lot whether the Council chooses to do the minimum \$69,000 required or the \$121,000 to extend the parking lot and move it over to the other side of the property would be in FY2015 capital budget. Mr. Joseph views these as capital costs and they do not belong in the operating budget. They are obviously facility upgrades and over \$50,000. Mr. Joseph explained what costs the Town would avoid if it divested itself of all or a portion of the Pownal Road Field. The RSU might incur those fees in the future.

Chair Hendricks pointed out a guesstimate from Bob Konczal puts the value on the property somewhere between \$250,000-\$300,000. The Town bonded it at \$450,000 and the Town will pay debt service on it for another three years and four months.

Town Engineer Albert Presgraves explained it would most likely cost the Town somewhere around \$40,000-50,000 to turn the field back into a meadow. The gravel parking lot would need to be plowed up and seeded. The buffer would have to be graded and seeded and the fencing and buildings would have to be removed.

Chair Hendricks opened the meeting up for public comment on divestiture and permitting and suggested that speakers limit themselves to three minutes and allow everyone to have an opportunity at the podium.

Mr. Joseph explained that the DEP informed us that in order to avoid enforcement actions, they would need a final decision by March 13, 2013. Mr. Palmer is working on the permit and will submit it when the Council tells him to do it.

Stephanie Helms of Lunt Road noted this is not a new issue and it is time for the Town to take ownership of the project it undertook in 2011 and hold onto the Pownal Road property which we are still paying for. Ultimately if we transfer this to another organization, we will probably be dealing with it even longer. She read a portion of an e-mail she received from Mike Mullen of the DEP into the public record. She suggested making this project whole finally.

Kim Burke of Sequoia Drive and past president of the Freeport Gridiron Club pointed out that 111 children of all ages that are enrolled in the football program, which began in 2006. They are a Booster Club that planted grass and repaired sprinklers at Pownal Road. They did not ask for any Town money. The Hunter Road Fields do not solve all the field problems experienced in Freeport. They have invested at least \$38,000 in goal posts, grass seed, installed bleachers, built and constructed the press booth in 2009 and brought over trailers that provide shelter and equipment storage. They went to the Planning Board and asked permission to have the field surveyed and then installed a scoreboard. They have had electricity installed, which is being billed to a private citizen. Each year the football program funds almost \$15,000 to run the Middle School and High School programs. It is not a completely funded sport by the school system. She noted that there are some additional expenses with the permitting but requested that the Council not penalize the folks that invested in the Pownal Road Field for the fact that the Hunter Road Fields were built and there are permitting issues. They cannot afford to lose the field and have never asked the Town for anything except permission to improve the field. She provided a picture of the 111 kids that are involved in the football program.

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Joe Migliaccio noted that he is against divestiture of the property. He feels the RSU is still in the start-up phase. He urged the Council to fund the improvements.

Roben Voigt advised that he is in favor of permitting the Pownal Road field and recommends keeping it in the Town's possession.

Joyce Veilleux of Island View Lane pointed out we are still paying for this property and if the Council passes it over to the school, Freeport taxpayers will still have to pay for the improvements. She suggested submitting the permit and cleaning up the mess. We will be able to do a third every year for three years in the budget. At the same time we can see what happens with the school renovation project and the fields they are hoping to build and what the usage level will be. She could also use the upcoming referendum to ask Freeport residents how much improvement would they like to see beyond DEP permit. Do they want more parking? If the answer is yes, it can be put into a capital budget later on.

Guy Quattrucci of South Freeport read his comments into the public record. The Council that voted for the \$2.3M acquisition, voted for the common scheme of development. It did not vote to split the baby in half and sell off the Pownal Road. FDEC prepared and signed the permitting application for the fields and they and the developer contracted with the Town to deliver a fully permitted project to the taxpayers but we didn't get it. Transferring ownership to the RSU simply transfers capital costs from the municipal side of the budget to the school side of the budget and the taxpayer still foots the bill. He suggested that the Council go forward and meet its legal obligation. Complying with DEP regulation is a requirement, not an option. DEP didn't put us here, we put us here. Let's pay our bills.

Paul St. Pierre of Flying Point Road spoke in favor of the benefits of the football program, which he is involved as a coach. He urged the Council to spend the money and fix the field. He doesn't want it ripped up and turned into a hay field. He loves Freeport and loves football. He feels it brings a sense of community to Freeport. He is willing to contribute more tax money to retain the Pownal Road field. He vowed to bring a football championship to Freeport in the future.

Andrew Arsenault from Route One had a list of questions to pose. He feels there should have been a performance bond on the \$2.5M project. He asked if the taxpayer responsible for these problems. He is in favor of keeping the Pownal Road Field and keeping the property whole but going forward and finishing the permits. He wants to determine who is responsible for the permit deficiency, which failed because we told them we were only going to develop 19 acres and that is not what we developed. He doesn't feel it should be the taxpayer. He feels there was intent to deceive the State.

Marie Gunning of Telos Road agreed with Mr. Arsenault but feel the piece that is missing is how did we get here? Somebody took a chance on this and it was a big chance because the deal with Seacoast didn't happen. It was a risk and now the taxpayers are being asked to pick up on this. She mentioned that the public was told that there was going to be a significant amount of fundraising done and that didn't turn out. She is surprised that some people are talking about transferring Pownal Road to the RSU in order to sidestep the environmental permit. This property happens to be in the headwaters of the Cousins River. Those streams have an impact. This is where you do the environmental review. It is also near the Municipal dump that has ongoing monitoring. Neighbors have stood up and stated that they have seen five-legged frogs so to sidestep the environmental review on this is baffling.

Kate Butler from Desert Road explained that there is a community responsibility in this issue and we should hold onto the Pownal Road Field and not pass the buck to the RSU because we are the RSU as well. She is glad to hear someone mention private fundraising because she recalled that from the

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beginning and it was above and beyond L.L. Bean. She doesn't know who to ask about this. She wishes the Council would continue to be responsible for this property.

Chair Hendricks brought the discussion back to the Council.

Councilor Egan advised that the Council has some very tough budget decisions coming up. There have been some strong words about circumventing environmental protection, sidestepping and shirking the Council's responsibilities. There is another way of looking at this. Most Councilors have been door to door and have an understanding of what the impact is on property tax. If we have to pay \$162,000 to satisfy a permitting requirement, it will have a direct impact on taxpayers. There is no source for this. Appropriations are going to have to happen right away. People in favor of retaining the property need to realize they are also supporting changing the property taxes. Everyone agrees that the fields are really valuable and her son plays peewee football at Pownal Road. Her family is grateful to the Gridiron Club for what it has done. The RSU right now maintains that land and the Rec Department schedules the land. Freeport has the underlying ownership of that land so if the Council were to transfer the land to the RSU with protections built in; there would not be any discernible difference to the students that use the field. It would go on the same way. She would propose if the Council considers this seriously, that it remains as a priority for Freeport residents in scheduling and there are protections that would keep the RSU from selling the land and if the RSU were to ever dissolve, the land would automatically revert to Freeport. The most compelling argument for not transferring the land is that Freeport residents paid for it and transferring it to the RSU, it is transferring Freeport residents' assets to Pownal and Durham. She noted that the field is already benefiting all those students anyway.

Councilor Egan mentioned that our consultant clearly told the Council that it would not receive environmental benefits by putting in these stormwater protections. Everyone here wants to protect our streams and ensure there are no five-legged frogs. There is no problem to solve and this is really a technical issue because we now have two pieces of property that our Town owns that are contiguous. The Hunter Road Fields have been haunting the Council. This is a community wide discussion that has been happening for a year and a half. She believes that there should have been a vote for Freeport residents to vote to spend \$3.1M for Hunter Road Fields but she wasn't on the Council at that time. When we keep saying who is responsible and who should we sue and who knew that we needed new permits, we need to get over it because it is not folks up here on the Council for the most part and we need to move on and actually do what is needed to make sure the fields continue to be used and also save Freeport residents money. She believes the Council needs to be as fiscally responsible as it can in these times.

Councilor Wellen noted that he feels the Town should keep the field and not divest it. He is concerned about the money but there is a strong sentiment from people that the Council should keep it as a contiguous property and retain control over it. He feels that there are ways to save money in the budget to pay for things such as this.

Councilor Sachs explained that she likes public comment and wants people to know how much it will cost to retain the field. She thanked everybody for his/her thoughtful comments. She does not wish to transfer the property to the RSU. The marginal piece that would be saved by divestiture does not seem to outweigh the benefits of keeping it as a common scheme development.

Councilor DeGrandpre pointed out that he voted to keep this field the last time it was discussed and supports keeping it this time. He recalled the conversations that took place at Hunter Road where people were wondering how to pull money together to get a purchase and sales agreement on it. The realtor said it was too late. The property was already under contract. It took a month or so to find out who had it under contract. The Hunter Road fields were permitted not by the Town of Freeport but by the person that had

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interest or control of it and that would either be the woman from Vermont that owned it or the person that had the purchase and sales agreement on it. They were the ones that did the permitting. The Town also knew that whatever else happened up there, whether we built trails for cross-country skiing or any trail improvements beyond bark mulch require permitting. We knew that anything else that would happen up there would trigger this very same issue we would discuss as our next item. He supports keeping this field and moving forward with the permitting. If we are going to keep the field and continue to use, he feels we need to deal with the parking challenges there. He appreciated everyone's comments and thoughts.

Chair Hendricks read Councilor Gleeson's comments into the public record indicating that he is in favor of retaining ownership of the Pownal Road Field even though money is tight. He would vote to move forward with the absolute minimum work required to allow us to keep the property. He does not feel it should be transferred to the RSU.

Chair Hendricks thanked everybody for coming out tonight and voicing their opinions. He has not changed his mind about retaining the field. He thanked the RSU Board for being open to the possibility of taking over the field. He feels the Town should keep the field in its possessions. He appreciates all the work the Gridiron Club did and just the amount of blood, sweat and tears they put into it, it would be a slap in the face if the Council turned the field back into a meadow. While we are still paying for it, it would be a slap in the face to the taxpayers. He did not have one person suggest that he transfer the field to the RSU and it is clear that people want to keep this field in the Town's possession.

**ROLL CALL VOTE:** (4 Nays) (1 Aye—Egan)

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|-------------|---|
| ITEM #33-13 | To consider action relative to obtaining a Site Location of Development Permit from the Maine Department of Environmental Protection for the combined Hunter and Pownal Road Field sites. |
|-------------|---|

**BE IT ORDERED:** That the Town Engineer be authorized to submit a Site Location of Development Permit application to the Maine Department of Environmental Protection, as described in the schematic design report and concept plans dated January 31<sup>st</sup>, 2013, prepared by Gorrill Palmer Consulting Engineers. (DeGrandpre & Sachs)

Chair Hendricks noted that we have a draft of estimates before us as far as what the minimum requirements will be if we permit this property. He pointed out that the DEP permitting fee is \$18,080, the Permit engineering is \$25,000, water quality improvements along Hedgehog Mountain Road is \$59,000 and to restore the buffer and create water quality filter only for the parking lot -would be \$69,000. The Total would be \$171,080. but \$8,000 has already been spent in the original permitting fee so the Council would be allocating \$163,080 to do the minimum.

What has been talked about while we are doing the parking lot and restoring the buffer, we will be changing the configuration of the parking lot because we have to move the driveway and this is just in the initial phase. This will seriously alter the dynamics of the parking lot so what also has been proposed as a different scenario is to restore the buffer and to reconfigure and expand the parking lot, rather than \$69,000 it would be \$121,000.

Councilor DeGrandpre advised that the Council has to make a couple of decisions. One, we can decide what we are going to do because we are required to but in that permit we also add additional things. He would prefer to permit the improvements to the existing parking at this time so that we can put it on our

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schedule and do it anytime over the next few years. We don't have to do that but if we permit it, we will be able to do it without having to go back and amend the permit. He wants to keep people safe so he wants to be sure to permit that.

Chair Hendricks asked Mr. Presgraves that if the Council approves at least monetarily to do the minimum but in the permit process put the permitting in to do the additional expansion and reconfiguration, if we don't do it all at once, will we mess up the existing new buffer and water quality filter that we put in order to expand the parking lot down the road? Mr. Presgraves indicated that there are no easy answers. The stormwater treatment system for the existing parking lot could be made bigger when doing the \$121,000 version. If the Council didn't do the full project, there could be additional costs involved with modifying whatever got built for the initial stormwater treatment but he suspects the stormwater system could be made big enough for the future increased size of the parking lot without putting down the gravel and building it. He would at least recommend doing that. Chair Hendricks asked how much time the Town would have to install the additional parking from the time it was permitted? Mr. Presgraves replied that it would have to be started within two years and you would have seven years to complete it. More discussion followed.

Councilor DeGrandpre mentioned that he would like to consider permitting some trails. Mr. Presgraves explained that the DEP may want to know where these trails are located and he may have to draw a line on a piece of paper and then determine where they should go and get it modified. He will see if Mr. Palmer can submit something that will give us as much flexibility as possible. Councilor Egan suggested going back to the charrette results because trails stick in her mind and parking sticks in her mind but there were a variety of creative ideas that came out of the charrette and the Council should be looking at it comprehensively as it looks at the permitting process.

Councilor Sachs referred to Ms. Helm's reference to a DEP E-mail addressing permitting fees and Mr. Presgraves indicated that he plans to talk to the DEP about this matter.

Councilor Egan noted it appears straight forward that the Council should permit the minimum but add additional things in the permit application so that we have the flexibility to expand parking if we want to at Pownal Road, add any connections for trails we want and look back at the charrette results to see if there are any additional items we want to make sure are permitted to give us the option going forward.

Councilor DeGrandpre would recommend permitting the stormwater for the landfill road, the stormwater for treating the expanded parking at Pownal Road and include the 80 parking spots in the permit application. He feels that we should seriously negotiate on the \$18,000 as best we can and also know what the engineering costs are. He would also like to know how specific we need to be on trails and how we deal with that going forward. He agrees that the Council may want to have another similar charrette and get folks back together, knowing what we know now.

Mr. Joseph pointed out what Mr. Presgraves needs to see from the Council to move forward and advise Mr. Palmer. If there is not going to be any extended parking, he should be told tonight, otherwise it will go in the permit and the Council can decide what to do in seven years. We will do the minimum things and to include the parking and the extended parking. We can talk about trails, other non-impervious surfaces, buildings and things like that before the final draft goes.

Councilor Wellen noted that the Council needs to have a lot more discussion on what it wants to spend on development costs.

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Councilor Egan suggested amending the BE IT ORDERED to be clear that we want to also look at permitting the high priority items identified at the charrette and make sure that the minutes reflect that the Council would like to have another charrette sooner rather than later so that it can determine the actual things it wants to permit.

Chair Hendricks mentioned that it is obvious that the Town has to do the minimum and Councilor DeGrandpre would like to include the parking. He feels there will not be any harm done permitting the parking since we are already doing the buffer. If we decide to do the expanded parking in a time to be determined later, we can do that. We can all agree that a connector trail is important that connects the properties. We cannot widen the trails or pave them. He asked if the Council wants to permit the Hunter Road parking expansion, a connector roadway, the expansion of the parking lot, the reconfiguration, which is the \$121,000 already discussed? We are going to approve the stormwater but then again are we also going to approve the connector trail? If he had his choice, the reconfiguration of the Pownal Road parking lot gains the spaces needed. He doesn't think it needs to be expanded. We need the connector trail. He would probably permit the gravel road connector because it may be needed in the future. He doesn't feel we need to expand the Hunter Road parking.

Mr. Joseph will advise Mr. Presgraves to add a connector trail.

Chair Hendricks offered to make an amendment.

**BE IT ORDERED:** That the Town Engineer be authorized to submit a Site Location of Development Permit application to the Maine Department of Environmental Protection, as described in the schematic design report and concept plans dated January 31<sup>st</sup>, 2013, as well as connecting trails prepared by Gorrill Palmer Consulting Engineers. (Hendricks & Sachs) **ROLL CALL VOTE:** (5 Ayes) (1 Excused—Gleeson)

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ITEM #34-13                      To consider action relative to appointing a Town Auditor for FY2013 with an option for an additional four year term beginning in FY2014, subject to annual re-appointment by the Town Council.

**BE IT ORDERED:** That the firm 'Runyon Kersteen Ouelette' of South Portland be appointed as Town Auditor to review the Town's year end FY2013 finances, with an option for an additional four year term beginning in FY2014, subject to annual re-appointment by the Town Council.

**BE IT FURTHER ORDERED:** That the Town Council accepts the bid price of \$21,500 for auditing services for FY2013. (Egan & DeGrandpre)

Finance Director Abbe Yacoben reviewed the bidding process and introduced Roger Lebreux and Jennifer Connors from Runyon Kersteen Ouelette of South Portland. They provided information on their firm for Councilors and offered to answer questions.

**ROLL CALL VOTE:** (5 Ayes) (1 Excused—Gleeson)

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ITEM #35-13                      To consider action relative to adopting a FY2014 budget meeting schedule.

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**BE IT ORDERED:** That the proposed budget meeting schedule for FY2014 be adopted as printed.

**BE IT FURTHER ORDERED:** That copies be distributed equally between the Town Clerk's Office, the Town Manager's Office and the Freeport Community Library for inspection by citizens during normal business hours and the notice be placed on Freeport's local cable channel 3 and the Town's website. (Wellen & Sachs)

Chair Hendricks reviewed the budget meeting schedule for members of the public.

**ROLL CALL VOTE:** (5 Ayes) (1 Excused—Gleeson)

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ITEM #36-13                      To consider action relative to adopting a dog license warrant procedure.

**BE IT ORDERED:** That the dog license warrant procedure be adopted as printed. (Sachs & DeGrandpre)

Mr. Joseph explained that the Legislature recently repealed MRSA Title 7, Section 3943 regarding Municipal Dog Warrants and the Animal Welfare Office advised us to adopt our own process if we intend to continue issuing warrants to dog owners who have failed to license their dog by the January 31 deadline.

**ROLL CALL VOTE:** (5 Ayes) (1 Excused—Gleeson)

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ITEM #37-13                      To consider action relative to adopting a new digital zoning map as the official zoning map of the Town of Freeport.

**BE IT ORDERED:** That the new digital zoning map be adopted as the official zoning map of the Town of Freeport. (DeGrandpre & Sachs)

**ROLL CALL VOTE:** (5 Ayes) (1 Excused—Gleeson)

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**10:25 p.m. —A five Minute Break was taken**

Chair Hendricks called the meeting back to order at 10:30 p.m.

**OTHER BUSINESS:**

1. Freeport High School Renovation Presentation.

Katherine Breer of the RSU #5 Facilities Committee pointed out the age of the high school and explained overcrowding and the fact that it is not ADA compliant. She asked the Council to endorse the project.

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A PDT Architect (no name provided) provided a PowerPoint presentation showing what currently exists at the high school and where the renovations and addition would take place.

A student named Travis (no last name was provided) explained that he was speaking on behalf of the high school students and served on the committee. He reviewed the things he felt were key such as a turf field and that Freeport is one of a handful of Class B schools that do not have a track. He noted the classrooms are really old and not sound proof. The school image at the entrance is not appealing. 98% of the students surveyed wished for all the changes being proposed. He encouraged the Council to endorse the plan.

Roben Voigt of Maquoit Drive noted how impressed he is with the whole process and agrees it is important to renovate the high school. He is in complete support of the project.

Betsy Stivers of Mollymauk Lane addressed the overcrowding issues at the high school. She shared data with the Council and requested that the Council endorse the project as a whole.

Lucy Lloyd of Maquoit Drive pointed out that the track should be considered part of a classroom.

Lindsey Sterling explained her dismay with the situation that exists at the high school. She pointed out that this one plan is to be voted on June 11 and the vote will be a yes or no.

Kristen Dorsey noted she has followed the project since the beginning and wholeheartedly supports it. She encouraged the Council to endorse the project.

Stephanie Payne of Harraseeket Road pointed out that the addition and renovations would benefit the whole community.

Chair Hendricks brought the conversation back to the Council.

Councilor Sachs advised that she wholeheartedly supports the plan. Councilor Wellen noted it is a solid plan and he fully supports it. Councilor Egan thanked the committee for all the work they did. She is very supportive of the project. Councilor DeGrandpre congratulated the committee for working through the process. He supports education but as a Councilor, the challenge is how do we provide good education and still be mindful of the challenges that many of our citizens face. 75 cents on the mil rate is a huge amount of money. He supports this project because he feels the Town needs to do something but wants to get information out to as many people as possible. Chair Hendricks wholeheartedly endorses this project but noted it is not an action item tonight. He asked for a straw poll if the Council would like to move forward. Councilors agreed they would like this on the next Council agenda and Councilor DeGrandpre pointed out it is important to have all Councilors present at the next meeting.

2. Update on quiet zone application progress.

Mr. Joseph explained that Pan Am has requested \$5,000 for pre-engineering to begin the work requested at the Bow Street crossing. When he receives the actual numbers from them, he will update the Council.

3. Update on rehabilitation of four of the Town's trailblazing signs.

Mr. Joseph explained that the estimate for the signs was \$4,800 but the bid came in at \$4,680 and he recommended awarding the project to Sign Concepts.



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**EXECUTIVE SESSION:**

ITEM #38-13                      To consider action relative to an Executive Session concerning a legal matter related to the Island Rover Project (1 M.R.S.A. § 405(6)(E)).

**MOVED AND SECONDED:** That the Council enter into Executive Session.  
(Egan & DeGrandpre) **VOTE:** (5 Ayes) (1 Excused—Gleeson)

**MOVED AND SECONDED:** That the Council reconvene into Public Session.  
(Egan & DeGrandpre) **VOTE:** (5 Ayes) (1 Excused—Gleeson)

**“BE IT ORDERED:** The Town Council directs Town Attorney to commence legal action on August 26, 2013, if the conditions of the Consent Agreement, expired as of January 26, 2013, between the Town of Freeport and the Island Rover Foundation are not completely fulfilled.

**BE IT FURTHER ORDERED:** The Town Council directs the Code Enforcement Officer to conduct a site inspection and enforce any existing junkyard violations, as soon as weather permits.” (Sachs & DeGrandpre)

Chair Hendricks explained the motion to the public.

**ROLL CALL VOTE:** (5 Ayes) (1 Excused—Gleeson)

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**MOVED AND SECONDED:** To adjourn at 12:39 a.m. (Egan & DeGrandpre)  
**VOTE:** (5 Ayes) (1 Excused—Gleeson)

Respectfully submitted,

Sharon Coffin, Council Secretary

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #05-13**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**TUESDAY, MARCH 5, 2013 - 6:30 P.M.**

|                                       | <u><b>PRESENT</b></u> | <u><b>ABSENT</b></u> | <u><b>EXCUSED</b></u> |
|---------------------------------------|-----------------------|----------------------|-----------------------|
| Rich DeGrandpre, 11 Timber Ridge Road | x                     |                      |                       |
| James Hendricks, 21 West Street       | x                     |                      |                       |
| Kristina Egan, 5 Weston Point Road    | x                     |                      |                       |
| Melanie Sachs, 84 Kelsey Ridge Road   | x                     |                      |                       |
| Andrew Wellen, 83 Hunter Road         | x                     |                      |                       |
| Scott Gleeson, 23 Park Street         | x                     |                      |                       |

Chair Hendricks called the meeting to order at 6:32 p.m. and took the roll.

**FIRST ORDER OF BUSINESS:** Pledge of Allegiance

Everyone stood and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the Minutes of Meeting #04-13 held on February 26, 2013 and to accept the Minutes as printed.

Councilor Egan referred to page 5 and noted that Ann Marie Davee spells her name Anne-Marie Davee. She referred to the second of the last page and advised that the PDT Architect is Lyndon Keck and the student that did not identify himself is Travis Libsack.

**MOVED AND SECONDED:** To waive the reading of the Minutes of Meeting #04-13 held on February 26, 2013 and to accept the Minutes as edited. (DeGrandpre & Egan) **VOTE:** (6 Ayes)

**THIRD ORDER OF BUSINESS:** Announcements

Chair Hendricks announced:

- The Special Election for the District 2 Town Council vacancy will be held on March 20, 2013 in the Council Chambers from 7:30 a.m.-8 p.m. Absentee ballots are now available at the Town Clerk's Office.
- The deadline to request an absentee ballot is Thursday, March 14 at 6 p.m. For more information residents may call the Freeport Town Clerk's Office at 865-4743, Ext. 123.
- Upcoming Freeport Talks topics will include the high school renovation project, agriculture and agritourism and the Capital Budget. Residents may provide their input by going to [www.FreeportTalks.org](http://www.FreeportTalks.org).
- AARP will continue to provide free Tax Preparation assistance through April 10 for low-moderate income households and those 60 and older, on Wednesday mornings. Assistance is available by appointment only by calling 865-4743, Ext. 120.

Community fundraisers and events coming in March include:

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1. Sitting Pretty, the Mirror is the Canvas which is a charity auction to benefit the Port Teen Center on Sunday, March 24 from 4-6:30 p.m. at Freeport Community Services. For more information, residents can contact 865-6171, Ext. 29.
2. There will be a Freeport Community Band Benefit Concert to support the Carol Kaplan Fuel Assistance Fund on Tuesday, March 12 at the Harraseeket Inn. Donations will be accepted at the door. For more information, residents can call FCS at 865-3985.
3. On Sunday, March 10 at 1:30 p.m. at the Freeport Community Library there will be a special presentation and rum tasting entitled, Peddling your Wares: A look at Itinerant Merchants in Early 19<sup>th</sup> Century. Tickets are \$5 at the door. For more information, contact the Freeport Historical Society at 865-3170 or [www.freeporthistoricalsociety.org](http://www.freeporthistoricalsociety.org).

Councilor DeGrandpre advised that Coastal Winds would be providing the music at the Freeport Community Band Benefit Concert to benefit the Carol Kaplan Fuel Assistance Fund.

**2012 Citizen of the Year Award Presentation**

Councilor Egan, Special Events Committee Chair presented tonight's award to Thomas Wright, a long time Freeport resident that has dedicated much of his time to supporting our youth and encouraging at-risk youths to reach their full potential as independent, productive members of society. He served as Mentor as well as Executive Director of Seeds of Independence.

Mr. Wright humbly accepted the award and noted that the award isn't really for him; it is for everyone that participates in all the programs and for Willow Wright who drives them. He mentioned that he likes to pick up the pieces but Willo has them everywhere. On behalf of Seeds of Independence, he thanked everyone for the award.

Congratulating and thanking Mr. Wright were: John Saccone, Lieutenant Susan Nourse, Fred Palmer, Tom Ross, and Paige Nichols

On behalf of the Town Council, Councilor Egan again thanked Mr. Wright and congratulated him. Chair Hendricks recessed the meeting for 15 minutes for a reception with refreshments.

At 7:05 p.m. Chair Hendricks called the meeting back to order.

**FOURTH ORDER OF BUSINESS:** Information Exchange

Councilor Egan explained that the Freeport High School Girls Alpine Combined Nordic Ski Team won the State Championship and the Freeport Boys came in runner-up. At the next Council meeting they will formally be on the agenda so the Council can recognize their contribution to Freeport representing us at the State level.

**FIFTH ORDER OF BUSINESS:** Town Manager's Report

Mr. Joseph reported:

- The Police Department has received an upgraded model intoxilyzer from the State of Maine. The Department hosted a regional training session where all Freeport Police Officers, as well as officers from surrounding communities, were certified on the use of the machine. The intoxilyzer

has already been utilized by the Department and will also be available for use by other law enforcement departments on an as-available basis.

- Our Public Works Department has continued to be hit with high operating costs due to nighttime and weekend snow and ice storms. We are currently tracking our snow removal budget, however, a large unknown at this point remains whether or not we will see any reimbursement of the blizzard expenses that were submitted for FEMA reimbursement. As I mentioned last week, this amount is over \$68,000 and will be a deciding factor as to whether our snow removal line item is overspent.
- Update on commercial activity from the Codes/Building Department: There has been a great deal of commercial activity in Town during the past few weeks. Two of the larger projects that are underway are the completion of the new Old Navy Store at Freeport Village Station, which is anticipated to open by May and the completion of the Maine Beer Company building on U.S. Route One South, which is anticipated to open to the public in April. (A picture was included in the Report.) Also underway in the Village are interior fit-ups for Sperry Topsider at 56 Main Street, Tuscan Brick Oven Bistro at 140 Main Street, and Fuji Sakura—Sushi and Hibachi at 23 Main Street (above China Rose). A permit was also issued this week for Banana Republic who will be performing interior renovations to their Main Street outlet store.
- We will be rolling out our new Municipal Bulletin this week, which will serve as a compilation of information contained in my weekly reports as well as other news and announcements from all other Town government sources. This will serve to meet one of the goals of the communications Working Group. It will be available on our website. Residents can also sign up to receive this automatically by E-mail. More information can be found at [http://www.freeportmaine.com/page.php?page\\_id=273&title=Town%20Manager%20Reports](http://www.freeportmaine.com/page.php?page_id=273&title=Town%20Manager%20Reports).

**SIXTH ORDER OF BUSINESS:** Public Comment Period – (Non-Agenda Items Only)

Chair Hendricks declared the Public Comment Period open and instructed everyone to please not touch the microphone.

Tom Ross explained that back in December there was a meeting in District 4 at Merriconeag where there was a discussion about the concern for putting a public address system on Hunter Road Fields. In the original draft created by citizens appointed by the former Town Councilor, public address systems were specifically excluded. Under the current Hunter Road Fields Group it was specifically changed to include them. He mentioned the Council has been talking about Quiet Zones and the trains and it appears the Council's goal is to try to maintain a quality of life of what the residents have grown accustomed to. The solution for the trains is going to cost the Town some money. On a rural part of town, the solution to create a Quiet Zone costs nothing. He asked that the Council preserve the RR1 nature of the area before committing to putting in a public address system. He asked for an update so he could understand the process. He mentioned that Little League season is coming up with 300 kids. He pointed out that there are 20 neighbors and they are outnumbered.

Councilor DeGrandpre advised that the Fields Committee is meeting this Thursday and will be reviewing this before bringing it back to the Council. He noted that he would bring Mr. Ross's concerns to the meeting. Mr. Ross complained that there is never an agenda and there is never a summary of the notes. Councilor DeGrandpre offered to look into this issue.

Guy Quartrucci of South Freeport advised that the Save Our Neighborhood Coalition sponsored a Candidates Forum at the Community Center last night and approximately 60 people attended. The two

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candidates, Sarah Tracy and Joyce Veilleux were in attendance. While he had to leave early, he was informed that it was lively and informative. He thanked the candidates and the public for turning out.

**MOVED AND SECONDED:** To close the Public Comment Period. (DeGrandpre & Egan) **VOTE:** (6 Ayes)

**SEVENTH ORDER OF BUSINESS:** To take action on the following items of business as read by the Council Chairperson.

ITEM #41-13            To consider action relative to adopting the March 5, 2013 Consent Agenda.

**BE IT ORDERED:** That the March 5, 2013 Consent Agenda be adopted.  
(Hendricks & DeGrandpre)

Chair Hendricks reviewed the items on the Consent Agenda for members of the public. Mr. Joseph pointed out that on the warrant, the RSU has requested that the Council sign every line the same on each page. Their attorney advised that it has to be signed in the same order by the Council in order to be binding.

**ROLL CALL VOTE:** (6 Ayes)

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ITEM #42-13            To consider action relative to approving a liquor license application for Tuscan Brick Oven Bistro located at 140 Main Street. **PUBLIC HEARING**

**MOVED AND SECONDED:** That the Public Hearing be opened. (DeGrandpre & Egan) **VOTE:** (6 Ayes)

There were no public comments.

**MOVED AND SECONDED:** That the Public Hearing be closed. .  
(DeGrandpre & Egan) **VOTE:** (6 Ayes)

**BE IT ORDERED:** That a liquor license application for Tuscan Brick Oven Bistro located at 140 Main Street be approved. (DeGrandpre & Egan)

Councilor DeGrandpre pointed out that a schematic of the interior was included in the Council's packets.

**ROLL CALL VOTE:** (6 Ayes)

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ITEM #43-13            To consider action relative to the appointment of a voting delegate representative and alternate voting delegate representative for Maine Service Centers Coalition.

**BE IT RESOLVED:** That the Freeport Town Council hereby authorizes membership in the Maine Service Centers Coalition for 2013 and designates James Hendricks, Council Chair.

**BE IT FURTHER RESOLVED:** That the designated alternate is Peter Joseph, Town Manager. (Wellen & Sachs)

Councilor DeGrandpre asked why this is a resolution. Mr. Joseph explained that the Maine Service Centers Coalition requires a resolution from the governing body in order to participate. Councilor Wellen

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thanked Chair Hendricks and Mr. Joseph for taking the time to do this. Mr. Joseph pointed out that Chair Hendricks has offered to attend all the meetings in Augusta and he plans to attend all the Bangor meetings.

**ROLL CALL VOTE:** (6 Ayes)

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ITEM #44-13

To consider action relative to proposed amendments to Chapter 48: Freeport Traffic and Parking Ordinance Article III Section 48-301 pertaining to No Parking Zones on the north side of Holbrook Street from Main Street for a distance of 400 feet and from that point to the Freeport High School property line.

**BE IT ORDERED:** That a Public Hearing be scheduled for March 19, 2013 at 6:30 pm in the Freeport Town Hall Council Chambers to discuss an amendment to Chapter 48: Traffic & Parking Ordinance Article III Section 48-301 pertaining to No Parking Zones on the north side of Holbrook Street from Main Street for a distance of 400 feet and from that point to the Freeport High School property line.

**BE IT FURTHER ORDERED:** That copies be distributed equally between the Town Clerk's Office, the Town Manager's Office and the Freeport Community Library for inspection by citizens during normal business hours and the notice be placed on Freeport's local cable channel 3 and the Town's website. (Sachs & DeGrandpre)

Gary Profenno, Chair of Traffic & Parking, explained that a group of Holbrook Street residents petitioned that parking be restored since conditions have changed there since "no parking" went in sometime around 2004-2005. The committee has reviewed it and this is what they came up with to present to the Council.

**ROLL CALL VOTE:** (6 Ayes)

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ITEM #45-13

To consider action relative to amending the FY2014 budget meeting schedule.

**BE IT ORDERED:** That the revised budget-meeting schedule for FY2014 be adopted as printed. (DeGrandpre & Egan)

Mr. Joseph explained the changes. Councilor Egan asked which dates would be the most important for members of the public to come out to talk about capital needs as well as operating needs. Mr. Joseph mentioned that the Council has an action item on its agenda that will set a public hearing on the Capital Program, which will be on April 2. If the Council approves that date, it will be the time for public comment on the Capital Program and per the Charter, the Council has to adopt the Capital Program at its next Council meeting following that, which will be the 23<sup>rd</sup>. The public hearing dates have not yet been set, and are tentatively listed but will require Council action. On May 21 there will be a public hearing on the Operating, Capital and TIF budgets. On the 15<sup>th</sup> of May from 6-7 p.m. there will be a meeting with department heads and an evening public question and answer session on the budget. On the 16<sup>th</sup> of May from 7-8 a.m. the department heads will be available to the public for a question and answer session on the same subject. Either of those two times are available if someone is looking for more information and then if they want to give information to the Council, May 21 is the time.

Councilor DeGrandpre pointed out that within the last year or year and a half the Council changed the Capital Budget year to coincide with the Town's Fiscal year. As it was explained at that time, projects

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that are in our Capital Budget that the Council is approving sometime will be approved as a Capital Program. Those projects needed to begin when the weather broke, not on July 1, which is when the new budget takes place. He requested clarification on the practical application of what the Council is doing here. Mr. Joseph indicated that after speaking with Councilor DeGrandpre, he spoke to the Public Works Director and noted there is no impact to any of the projects this year because the springtime projects we will be doing are in the same fiscal year that the projects will be completed in. He mentioned that this is something the Town will have to be mindful of in the future. Mr. Presgraves realized this would happen so he is waiting until the end of June or beginning of July to make sure we have any projects. When he and the Finance Director went over the schedule, they had the same reaction as Councilor DeGrandpre. It can be bad practice to hamstringing yourself by saying "you have to wait until July 1" because by that point, everyone has their construction schedules full for the remainder of the year and one cannot get good pricing. Councilor DeGrandpre wants to make sure the Town plans its first half of the summer as it pulls this together.

**ROLL CALL VOTE:** (6 Ayes)

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ITEM #46-13                      To consider action relative to the proposed Capital Program for FY2014.

**BE IT ORDERED:** That a Public Hearing be scheduled for April 2, 2013 at 6:30 p.m. in the Freeport Town Hall Council Chambers to discuss the proposed Capital Program for FY2014.

**BE IT FURTHER ORDERED:** That copies be distributed equally between the Town Clerk's Office, the Town Manager's Office and the Freeport Community Library for inspection by citizens during normal business hours and the notice be placed on Freeport's local cable channel 3 and the Town's website. (Gleeson & Sachs)

There was no discussion.

**ROLL CALL VOTE:** (6 Ayes)

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Councilor Egan asked the Council to defer the following item until later in the meeting since the projected time on the agenda to take it up was 8:30 p.m. and the Council is running almost an hour early. There was agreement to do so.

ITEM #47-13                      To consider action relative to endorsement of the RSU#5 school construction project.

**BE IT RESOLVED:** That the Freeport Town Council hereby endorses and supports Article 1 of the June 11, 2013 RSU#5 referendum election warrant, authorizing the issuance of bonds or notes for school construction purposes in an amount not to exceed \$16,950,000 to construct and equip additions, renovations and improvements to the Freeport High School, including the school buildings, athletic facilities, and school grounds.

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ITEM #48-13

To consider action relative to signing a resolution in opposition to the multiple proposals to shift the burden of funding State Government to Municipalities through property taxes.

WHEREAS, the Freeport Town Council is concerned and wishes to express its opposition to multiple proposals to shift the burden of funding State government to municipalities through the property tax levy system and,

WHEREAS, the State administration has submitted a proposed budget for the upcoming biennium that will dramatically shift the burden of funding State government to the property tax by eliminating of significantly modifying property tax relief programs and,

WHEREAS, the proposal to suspend municipal revenue sharing would result in a loss of over \$525,000 in revenues to the Town of Freeport, which represents approximately six percent of the Town's revenue budget and 38 cents on the property tax mil rate and,

WHEREAS, the changes in the BETR conversion to BETE program would cost the Town at least \$244,000 in the first year of the biennium, which represents approximately 17 cents on the property tax mil rate or three percent of the annual revenue budget and,

WHEREAS, the total of these two largest cuts represents 55 cents on the tax mil rates or a \$110 increase to the tax bill of a \$200,000 home in Freeport, therefore:

**BE IT RESOLVED:** That the Freeport Town Council requests that the Maine Legislature reconsider this large tax shift when creating its biennial FY2014 and FY2015 budget, and welcomes the opportunity for further discussion of this issue in hopes of assisting the State to create a more efficient system of government in order to avoid this shift in revenue from the municipalities to the State. (Sachs & Egan)

Chair Hendricks explained that State Representative Sarah Gideon brought this up and other Maine cities and towns are making the same resolution. Councilor DeGrandpre pointed out that Freeport sends approximately \$35M-\$40M to Augusta each year and they usually send back a pittance. Chair Hendricks indicated that they do not want to send anything back this year.

**ROLL CALL VOTE:** (6 Ayes)

Mr. Joseph explained that he received notice that the two days for the public hearings on the many different proposed changes to the revenue system in August will be on March 13 and 14. He had a schedule and offered to forward it to any Councilor that needed it. He is unable to go on part of the 13<sup>th</sup> but is able to go on the 14<sup>th</sup>. He feels this resolution would be a great piece to hand in. As many Councilors that are able to attend will be welcome and since he can't attend on the 13<sup>th</sup>, it would be great to have at least one Councilor there. Chair Hendricks offered to send out an E-mail asking if Councilors want to attend and which days they can attend. Mr. Joseph suspects these hearings in the Appropriations Committee Room 228 on the second floor will be jam-packed.



**NOTE:** The participants that planned to speak on Item #47-13 arrived.

ITEM #47-13                      To consider action relative to endorsement of the RSU#5 school construction project.

**BE IT RESOLVED:** That the Freeport Town Council hereby endorses and supports Article 1 of the June 11, 2013 RSU#5 referendum election warrant, authorizing the issuance of bonds or notes for school construction purposes in an amount not to exceed \$16,950,000 to construct and equip additions, renovations and improvements to the Freeport High School, including the school buildings, athletic facilities, and school grounds. (Gleeson & Egan)

Katherine Breer of the Freeport High School Renovation Advisory Committee thanked the Council for inviting them back tonight and putting the project on the agenda. They made a presentation to the Pownal Selectmen last night and plan to make a presentation to the Durham Selectmen next Tuesday. It is their hope the entire Council will vote unanimously to support this project.

Ben Gray, parent of a student that served on the committee, urged the Council to move the process along. David LaTulippe spoke about overcrowding that exists at the high school and suggested that Councilors visit the school sometime between 11 a.m. and Noon to view the overcrowding in person. He stressed the need for the school additions.

Councilor DeGrandpre explained that he struggled with this all week. He does support Freeport's educational system. He thought about abstaining tonight but feels he is prepared to vote. He still has some concerns. It represents 75 cents on the mil rate, which is the largest thing we have ever done in this community. He would have preferred to have the vote take place in November. He hopes people will get involved and mentioned that people can visit the school to view the overcrowding after calling the Superintendent's Office. He still has parking concerns. He has received calls about the maintenance of a turf field. He hopes the field will last until it is paid off.

Councilor Egan advised that there is a website that has a lot of frequently asked questions and facts about the cost, benefit, the plans and it is very comprehensive. It is [www.Renovatefhs.org](http://www.Renovatefhs.org).

Councilor Gleeson noted he attended some of the school committee meetings and he feels the committee worked hard to get to this number. He agrees it is a huge number and will impact the mil rate but he feels it is a necessary thing. He has heard from his constituents in District 1 with their concerns on the playing fields. He agrees this needs to be discussed. He plans to work closely with his constituents. He wants to minimize the impacts around the neighbors. He agrees to endorse the project. When he attended the last school board meeting the juniors and seniors that spoke passionately knowing that they wouldn't enjoy the renovations impressed him.

Councilor Wellen explained that he is supportive of the project because of the existing overcrowding and the need to meet ADA requirements. He feels the Council needs to work hard to save money where it can on the Municipal side and the school side.

Councilor Egan noted she has been the liaison to the committee. Many of the people involved have kids in high school right now and won't see the benefit of the project. They have put in an enormous amount of volunteer time for other people's children. She thanked the committee for their dedication to our

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community. She has also been impressed with the data based process, which has been fiscally prudent. Renovating the school makes sense and it will keep it in the downtown.

Councilor Sachs noted that the project will amount to \$43 paid per thousand of taxes and not tied to the mil rate per say and some residents have indicated they are willing to pay this extra money per year. She is impressed by the community looking at this from a community aspect and from paring down and focusing on what will be good for the community as well as the students.

Councilor DeGrandpre had a math correction. He noted that 75 cents is per thousand so one needs to multiply the value of their home by 75 cents and that will be the difference in the tax bill. Mr. Joseph advised that the actual number would be based on what our assessed valuation is at the time. If everything stays frozen at what it is, the estimates thrown around are 70 cents-75 cents.

Chair Hendricks hopes that people will be well informed and know what they are voting on. He agreed with most everything Councilors have said without having to say them again. He thanked the volunteers and called for a vote.

**ROLL CALL VOTE:** (6 Ayes)

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**OTHER BUSINESS:**

1. Capital Program Presentation

Finance Director Abbe Yacoben explained that the packets were mailed out on the 28<sup>th</sup> and since then she has made a couple of very small changes, which she photocopied for the Council. She noted that this is the Five Year Capital Program for the Town, the Town's Capital Program in addition to the TIF's Five-Year Capital Program. The intention is that the first year of these programs becomes the budget as the Town Manager advised. She suggested focusing on the summary tonight since the Council will be getting into the nitty-gritty of everything on March 19. She requested that Department heads give her memos on all the items they have been requesting by the 12<sup>th</sup>. She will E-mail them out to the Council in order to provide a full week to digest them. She mentioned on the 19<sup>th</sup> there would be a round table where everyone sits down on the floor and talks with the department heads. It is a less formal setting. If Council needs an appointment with a department head, he or she should E-mail Ms. Yacoben or Mr. Joseph and request the appointment. A public hearing will take place on April 2 and program adoption will be on April 23. In addition, the Operating Budget will be rolled out that same evening. She promises it will be great fun. She suggested that the Council not focus on individual items tonight but rather how the process works. The individual items will be discussed on the 19<sup>th</sup>. Department heads have been asked to go lighter on their Capital plans this year because a couple of our reserves are less funded than we would like them to be. She referred to page 15 and explained that it is not really a draft but because of computer problems she could not eliminate the word "Draft". Discussion followed.

Mr. Joseph referred to the summary sheet and noted that funding sources for FY2014 would be the Capital Budget where we discussed the difference between the programs and the budget. This box will make up the 2014 Capital budget. He mentioned that they are making an effort to scale back to lessen the impact on the reserves. Some of the balances are at or below what we say they should be. Freeport's actual debt level is \$5.3 million dollars and our limit is \$204 million dollars. This is similar to a credit card in one's pocket that one does not use. This will be discussed in another meeting.

Councilor DeGrandpre thanked the previous Town Manager and previous Councilors for their diligent fiscal work because we don't have to pay out a lot of interest.

Mr. Joseph mentioned Article 6 – Road Improvements. People will see that FY2015 includes the Wardtown Road Reconstruction project and it is not on a 2014 list. The Town is aware that it is not in

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good condition and is not putting it off because we want to. The State has indicated that they will not have their share of the money next year. We are at the top of the list for the region but the pot is empty. Mr. Presgraves has been asked to get this formally in writing from the MDOT folks. If it changes, we will make an effort to do something by talking to MDOT but if there is no money, we won't be able to get them to magically invent some money.

The Shellfish Conservation Program – there will be a request from the group behind the shellfish conservation project for \$100,000. He has a meeting scheduled this week with the folks involved to go over last year's expenditures and next year's expenditures. There is \$89,000 left from the Council's appropriation last year so this is something open to discuss what they are actually looking to do for the project this year. The \$100,000 is simply a placeholder right now.

Councilor DeGrandpre referred to the Wardtown/Griffin Road project and noted that the million dollars includes shoulders but no paving. He feels that if there are going to be shoulders on that road, they need to be paved. There is a maintenance plan for the Griffin Road but the edges of the road have broken off so they are currently striping the dirt. Mr. Presgraves offered to look into this and move forward planning this project to get it done properly. There will be more information on this coming forward. Mr. Joseph recommends waiting until the Town gets the half funding from the State on the Wardtown Road. If it is a hot button issue, the Town always has the ability to pay for the whole thing. It would be a tough call for him to say we will pay the extra half million dollars for the project. Until we know from MDOT when that pot of money will become available, maybe that isn't such a bad call. We want to see how long it will take to refill the pot. If it is many years out, it doesn't mean that we will wait for that 50% funding.

Keith McBride, Executive Director of FDEC explained that he has received questions from Councilors and members of the public on Tax Increment Financing. He did a 3-slide presentation showing examples of using a TIF as a tool. He noted there are two different types of TIFs. There is a public improvement TIF and a credit enhancement TIF and he explained both of them. He also advised that in 2010 FEDC, the Council and a consultant collaborated to develop a TIF policy in Freeport. The Council passed the policy and it paints a picture of collaboration between the Council, other Town Department Heads and not only the Executive Director of FEDC but also the FEDC Board of Directors to collaborate on how to go through the application process and approve a TIF. The policy is available on FEDC's website as well as the Town's website. He recommended that the Council take a look at it if they are not already familiar with it. He noted that there has not been any interest in new TIFs since he has been in Freeport. He explained the active TIFs, which he and Donna Larson have mapped out and passed out the map to Councilors. Mr. McBride did not believe it was posted on the Town's website. He answered questions for Councilors. After discussing 2010 numbers, Councilor Egan noted it would be helpful to understand what the benefit of the TIFs are in real dollars after they are updated. Mr. Joseph offered to sit down with Mr. McBride and the Town Planner before the workshop to bring back a formula to show the Council what we gain and lose for each dollar or each million dollars or however we want to word it, that we put into a TIF. Mr. McBride agreed.

Councilor Egan noted it would be helpful to the Council as it evaluates the priorities laid out in the TIF budget, to have a cheat sheet showing the allowable uses of the funding so that they can keep their conversation bounded by the parameters of what they are legally allowed to fund with the money. Mr. McBride agreed that this is a great idea. There are only two uses that are absolutely banned for TIF funds. One being facilities for the conduct of general government such as town halls. One cannot build a town hall with TIF funds or a police station. The other is building a public recreation facility, a recreation center or a public pool.

Chair Hendricks thanked Mr. McBride and Ms. Yacoben for the presentation.

2. To discuss performance guarantee administrative fees, funds for maintenance of the storm water detention pond, and the timing of repayment of the land acquisition costs with Habitat for Humanity.

Mark Primeau introduced himself as a development associate for Habitat for Humanity. He explained that because the infrastructure is being funded by a Community Development Block Grant and with proceeds from prior land sales, they didn't need a performance guarantee. He is unsure how the Administrative fees get allocated for Town Staff, but he is requesting that the performance guarantee administrative fees be waived. He understands that it is 2% of the estimated construction costs which is roughly \$4,000 and that would get them shingles for the first three units.

Mr. Joseph explained that in this case, the Town is holding a cash match to the grant and the grant funding as well, which is coming through the Town. He was not here when the whole approval process went through but when it was approved, it was satisfactory to the Town and he assumes this to be by the Council. The amount the Town is holding in funding available to complete a part of the project if there is a default on completion, is in excess of what the Town usually requires. When the Council didn't require a performance bond, letter of credit, etc. it was because it was holding actual cash. The 2% number was adopted by the Council as the fee for that. That number has no significance for Mr. Joseph. He has discussed it with the Town Planner and learned that there was no particular significance. It was chosen as an arbitrary rough guess number.

Councilor DeGrandpre noted there are so many pieces to this. He was not aware of how deep a discussion the Council would have this evening. He pointed out that he is not prepared to go forward without getting further information from the Town Planner.

Mr. Primeau pointed out that he is not looking for answers tonight. He simply wanted to get them on the table for discussion. Chair Hendricks advised that he would like to see what is a customary figure—is it 1% or 2%? Obviously that fee is there for a reason and if the project doesn't get completed at the end, we are not left holding the bag. This may be a situation where the Council may consider reimbursement at the end after all things are considered but it is clear more information is necessary from the Town Planner.

Mr. Primeau noted that the administrative fees are in there for doing exactly what the Town is doing. It is administering those CDBG funds. It is not guaranteeing any performance. It is there for Freeport's staff time. Mr. Joseph didn't feel it was a grant administration fee but he was not here when this was discussed. He offered to do some research.

Chair Hendricks suggested delaying this for another meeting and getting more information as far as what the fee is for, what is customary, etc. before making any decision. Councilor Wellen indicated he would appreciate getting clarification from someone in Town Government on what this fee is about and what is customary before making any decision.

Mr. Primeau noted there is a storm water detention pond on site that was constructed as part of an original development plan with many more units proposed on that site. There is some question as to whether this pond will require ongoing maintenance. They have signed a maintenance agreement on this detention pond. They are actually requesting that the Town allow them to take \$10,000 from the \$144,000 currently owed to the Town and set it aside in a reserve account for the association that will be formed to handle future storm water maintenance on that particular pond.

Councilor DeGrandpre pointed out that Freeport Farms is part of the same drainage system. When the Town acquired it for taxes, the Town actually owned the storm water system for it and there was a lot of discussion around it. Steve Bolton may remember more of this but the maintenance there would

need to be performed and the Town does this for a lot of projects. He mentioned the Hilton Garden, folks at the Village Station and others that are responsible for maintaining a storm water system. He cannot remember the details and without reviewing, it would be hard to move forward and make a decision tonight.

Historical information was provided in a handout, which was reviewed by Chair Hendricks. Councilor DeGrandpre noted that he could not find any information as to whose obligation it is to maintain that system going forward. Mr. Joseph did not have that information available. Mr. Primeau noted there is documentation signed that requires the association to maintain the ongoing maintenance of the storm water. Establishing the reserve account would mean that years from now, the lower income households would not be saddled with major repair. This is a new model for them. While they are here, they wanted to ask for the money to be set aside. He offered to show the Council the maintenance agreement that has been put in place for them to maintain and then they can take it from there.

Councilor Sachs asked that as they develop their plans, to bring some projections because the thrust is that it wouldn't fall on the lower income folks that will be potentially using them. She would like them to give the Council a sense of if we do approve \$10,000 to fund this, it will likely result in x amount less per year for a homeowner.

Councilor DeGrandpre mentioned that he would like to have a global discussion about this. As a community we signed up because we felt there was value in it and he still feels this way. Councilor Egan noted that the Council believes it is important to provide affordable housing in Freeport. She has not been able to read all the information provided but the Town has had a deal with Habitat for awhile and there is a certain expectation that we have provided funding, some land and additional support to the project in order to go forward. Mr. Primeau is now asking for additional resources on top of that in a very tough budget year. He is talking about trying to alleviate expenses for residents in the future and the Council has expenses now that we need to deal with for our residents. She needs a compelling reason why the Council should be providing \$10,000 in additional resources to this project or whether it is \$14,000, given the fact that we have already had a deal going forward and have already given a lot of support to the project.

Councilor Wellen echoed some of Councilor Egan's comments. He is a supporter of affordable housing but feels the Council cannot give money to every group when the middle class residents are getting squeezed. This is something to keep in mind and be clear on what we can afford in this budget time. Chair Hendricks asked Mr. Primeau if he has idea what the storm water costs would be and Mr. Primeau indicated that it was an unknown.

Councilor Egan asked if it would make sense for Mr. Primeau to come back in future years when those expenses are quantified and needed. Mr. Primeau feels the end goal is to provide affordable housing and to the extent that they can lower every expense they have to make the houses cheaper for families, that is what they do. As a development associate, he asks so there are no definitive numbers on this that he will be able to show the Council. It is establishing a fund for the association to give them a head start on their capital reserve items in the future.

The next item is similar but not a request for a reduction of any payment terms. For every house sold in that subdivision, \$18,000 is supposed to go back to the Town to pay off the \$144,000 that is owed. Three of the houses will be sold at 80% of median income or roughly \$180,000 and the remaining five will be sold to Habitat families. Their target is to service folks at 60% median income. They are requesting that the timing of payments be matched with the timing of the sale of those 80% median income houses so their construction schedule has units 1, 4 and 6 as those fundraiser houses. They

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would like to match those payments back to the town upon the sale of units 1, 4 and 6 as opposed to \$18,000 per house. It is a timing issue.

Chair Hendricks did not view this as unreasonable. Councilor DeGrandpre pointed out that both these parcels have been off the tax rolls for sometime now and Freeport residents have been carrying the load for that value that has not been here. He is willing to review the payment schedule.

Mr. Primeau advised that they have been fundraising and have enough money to get foundations in the ground for Units 4 and 5. They are making huge progress. Councilor DeGrandpre mentioned that the Council would be happy to announce the need for people with certain skills on scheduled workdays. This could be put on the Town's website. Chair Hendricks suggested trying to schedule a Town Staff/Town Council Build Day. He noted that this would be a very satisfying experience and no one needs to have skills, just a desire to help. Perhaps it could be scheduled on a sunny day in May.

Chair Hendricks mentioned that these items could be moved to a future agenda. Mr. Primeau advised that there is no super rush on these items so there was agreement to move this item to the first meeting in June.

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**MOVED AND SECONDED:** To adjourn at 9:28 p.m. (DeGrandpre & Egan) **VOTE:** (6 Ayes)

Respectfully submitted,

Sharon Coffin, Council Secretary

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #06-13**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**TUESDAY, MARCH 19, 2013 – 8 P.M.**

|                                       | <u><b>PRESENT</b></u> | <u><b>ABSENT</b></u> | <u><b>EXCUSED</b></u> |
|---------------------------------------|-----------------------|----------------------|-----------------------|
| Rich DeGrandpre, 11 Timber Ridge Road | x                     |                      |                       |
| James Hendricks, 21 West Street       | x                     |                      |                       |
| Kristina Egan, 5 Weston Point Road    | x                     |                      |                       |
| Melanie Sachs, 84 Kelsey Ridge Road   | x                     |                      |                       |
| Andrew Wellen, 83 Hunter Road         | x                     |                      |                       |
| Scott Gleeson, 23 Park Street         | x                     |                      |                       |

Chair Hendricks called the meeting to order at 8 p.m. and took the roll.

**FIRST ORDER OF BUSINESS:** Pledge of Allegiance

Everyone stood and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the Minutes of Meeting #05-13 held on March 5, 2013 and to accept the Minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the Minutes of Meeting #05-13 held on March 5, 2013 and to accept the Minutes as printed. (Egan & DeGrandpre)  
**VOTE:** (6 Ayes)

**THIRD ORDER OF BUSINESS:** Announcements

Councilor Sachs wanted to let the public know that Freeport High School is hosting the State One Act Competition this Friday and Saturday night beginning at 9 a.m. and going all day long. She encouraged the public to attend and mentioned that the Performing Arts Boosters will be putting on concessions, etc. Councilor DeGrandpre also encouraged folks to attend since it is always fun.

Chair Hendricks announced:

- The Special Election for the District 2 Town Council vacancy will be held on March 20, 2013 in the Council Chambers from 7:30 a.m.-8 p.m. There was a misprint in the *Tri-Town Weekly*—he clarified that only District 2 residents can vote to fill this vacancy tomorrow. For more information residents may call the Freeport Town Clerk's Office at 865-4743, ext. 123.
- A discussion topic has been added to Freeport Talks. What do you think about the renovation plan for Freeport High School? Residents may provide their input by going to [www.FreeportTalks.org](http://www.FreeportTalks.org).
- AARP will continue to provide free Tax Preparation assistance through April 10 for low-moderate income households, and those 60 and older, on Wednesday mornings. Assistance is available by appointment only by calling 865-4743, ext. 120.

Community fundraisers and events coming in March include:

- The next free Movie Day at the Nordica Theatre for Freeport residents will be held on April 9. Chair Hendricks was not aware which charity it would help.

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- A talk with Author William David Berry will be held on March 25 at 7 p.m. at the Community Library.
- The Library's Annual Book Sale will take place April 6-11. The Library has received many generous donations of books and residents should drop by early to take advantage of the best selections.
- Sitting Pretty, the Mirror is the Canvas which is a charity auction to benefit the Port Teen Center on Sunday, March 24 from 4-6:30 p.m. at Freeport Community Services. For more information, residents can contact 865-6171, ext. 29.

**FOURTH ORDER OF BUSINESS:** Information Exchange

Councilor Sachs noted that the Conservation Commission would be holding its second meeting tomorrow night in the Community Room at the Library beginning at 6 p.m. They will be electing a committee chair. The meeting is open to the public.

Councilor DeGrandpre noted that he has not heard anything from the other two members of the Municipal Facilities Committee about a meeting date and time. He asked that they let Judy Hawley know when it is determined. Once there is a time and date scheduled, it will be published on the Town's website.

Councilor Wellen advised that Traffic and Parking met this morning at 7:30 a.m. and discussed the train platform project and he found it to be enlightening.

**FIFTH ORDER OF BUSINESS:** Town Manager's Report -week ending 3-15-13

Mr. Joseph apologized for not getting his report in the Council's packets. He reported:

- Road Postings—From March 8, 2013 through May 15, 2013 heavy loads are limited on certain Town roads. All regular delivery route trucks are exempt, including oil trucks, propane gas trucks, trash haulers and other necessary vehicles. A list of all Posted Roads is on the Town's website. This list is subject to change without notice. For current information or questions, contact the Public Works Department (865-4461). Applications for permits (with guidelines) to travel on posted roads are also available on the Town's website. Prohibiting heavy loads is a common municipal practice at the end of the winter and beginning of spring, intended to keep saturated roadbeds from being damaged by excess weight.
- On March 13, 2013, the Project Review Board approved two Municipal projects. Plans were approved for the parking lot improvements and re-striping of the Town's train platform parking lot on Depot Street. With the proposed changes, there will be an increase in the number of spaces in the lot for a total of 35; including designated handicapped parking, taxi parking and drop off/loading area. Bike parking will also be included. Plans were also approved for a new basketball court at Winslow Park.
- Freeport Police Department's Officer McManus and a Maine Bureau of Highway Safety Representative presented a program designed to give teens an idea of the dangers of impaired and distracted driving on March 11 and 12. The program is an advanced interactive computer driving simulator with a steering wheel and pedals for the students to use. AAA of Northern New England and the Maine Bureau of Highway Safety developed the program as part of Teen Driver



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Awareness to present throughout the State. During the two days, 233 Freeport High School students who are either newly licensed or have a driver's permit participated in the program.

- On March 13, 2013 Fire Chief Darrel Fournier met with a group of about 25 at the Freeport Elders Association. He spoke about his experience working as an emergency responder during Superstorm Sandy and the importance of being prepared for disasters. The Chief instructed participants on critical actions they can take now to be adequately prepared for disasters in the future, such as how to prepare a "Go Bag" to last two days. (A Go Bag is a collection of items you need in the event of a disaster). The Chief is available to speak with other community groups and clubs about emergency preparedness and fire safety. The Chief can be reached at 865-3421.
- Deputy Town Clerk Mary Howe recently received her CCM (Certified Clerk of Maine) certification. This certification status is gained through a combination of education and professional experience, which generally requires approximately five years to achieve. Obtaining this certification represents a significant amount of time and showcases her dedication to the Town of Freeport as well as the field of municipal work in general. Mr. Joseph sent congratulations to Ms. Howe.
- With the new IT position at the Library as of the current fiscal year, the Freeport Community Library has begun offering free tech assistance and online tutorials. From their recent Newsletter: "If you'd like to work one-on-one with Robin to tackle a tech question, please visit the front circulation desk and sign up for a Tech Appointment. Recent appointments have addressed how to use iPads and eReaders. (However, if your computer is broken or if you are having hardware problems, please understand that these types of issues fall outside the scope of a tech appointment and are better addressed by a computer repair professional). If you have missed a Tech Talk or have tech questions when the Library is closed, visit the Library's website with links to all the previous presentations plus free online tutorials and videos: <http://Freeportlibrary.com/tutorials.htm>".
- Included was a construction update picture of the Field House at the Hunter Road Fields showing that construction is progressing nicely.

Councilor Egan mentioned that at the last meeting the Council passed a resolution that said that we were not in favor of the proposed budget cuts in Augusta and asked for an update from Mr. Joseph. Mr. Joseph explained that a couple of hundred representatives went to Augusta and our Finance Director delivered our resolution in writing. Our State Rep did take our resolution and forwarded it electronically to the entire House. He mentioned that 10 to 15 other towns have sent similar resolutions or Council statements. He received a summary from the Municipal Association and offered to provide a copy to Councilors.

**SIXTH ORDER OF BUSINESS:** Public Comment Period – (30 Minutes) (Non-Agenda Items Only)

Chair Hendricks opened the Public Comment Period.

Joyce Clarkson-Veilleux advised that the American Legion is not quite at 100% but they are close on their flag project. There will be flags on Main Street this year. They have a new project. This is the 60<sup>th</sup> anniversary of the signing of the Peace Treaty for the Korean Conflict and the American DOD has approved a medal from the South Korean Government for any veteran who flew over, walked on or floated around South Korea. If someone didn't do any of these three, there is a certificate. In order to get said medal or certificate they need to get a copy of their Discharge Sheet showing the time and where they served. Veterans can send this information to the American Legion, P.O. Box 60 in Freeport along with their contact information. A ceremony will be held in Freeport in the fall to get those presented.

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Chair Hendricks suggested that Ms. Veilleux put a slide together and get it on Channel 3. It could also be put on the Town's website. Mr. Joseph suggested that she send an e-mail to Johanna Hanselman so she can put it on the Town's website.

**MOVED AND SECONDED:** To close the Public Comment Period. (DeGrandpre & Egan) **VOTE:** (6 Ayes)

**SEVENTH ORDER OF BUSINESS:** To take action on the following items of business as read by the Council Chairperson.

ITEM #52-13                      To consider action relative to adopting the March 19, 2013 Consent Agenda.

**BE IT ORDERED:** That the March 19, 2013 Consent Agenda be adopted.  
(Hendricks & Egan) **ROLL CALL VOTE:** (6 Ayes)

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ITEM #53-13                      To consider action relative to proposed amendments to Chapter 48: Freeport Traffic and Parking Ordinance Article III Section 48-301 pertaining to No Parking Zones on the north side of Holbrook Street from Main Street for a distance of 400 feet and from that point to the Freeport High School property line. **PUBLIC HEARING**

**MOVED AND SECONDED:** That the Public Hearing be opened. (DeGrandpre & Egan) **VOTE:** (6 Ayes)

Albert Presgraves, Town Engineer summarized the history of this request. Councilor DeGrandpre noted he received calls from residents that 5 p.m. may be more reasonable than 4 p.m. A Holbrook Street resident advised that he believed the biggest concern was around school bus hours. He noted that 4 p.m. is a very reasonable time.

**MOVED AND SECONDED:** That the Public Hearing be closed. (DeGrandpre & Egan) **VOTE:** (6 Ayes)

**BE IT ORDERED:** That amendments to Chapter 48: Freeport Traffic and Parking Ordinance Article III Section 48-301 pertaining to No Parking Zones on the north side of Holbrook Street from Main Street for a distance of 400 feet and from that point to the Freeport High School property line be approved.  
(DeGrandpre & Sachs) **ROLL CALL VOTE:** (6 Ayes)

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ITEM #54-13                      To consider action relative to an amendment to Chapter 48: Traffic & Parking Ordinance Article V Section 48-503 (4), intending to allow the exemption of certain non-profit organizations from the 5% administrative fee.

**BE IT ORDERED:** That a Public Hearing be scheduled for April 2, 2013 at 6:30 pm in the Freeport Town Hall Council Chambers to discuss an amendment to Chapter 48: Traffic & Parking Ordinance Article V Section 48-503 (4), intending to allow the exemption of certain non-profit organizations from the 5% administrative fee.

**BE IT FURTHER ORDERED:** That copies be distributed equally between the Town Clerk's Office, the Town Manager's Office and the Freeport Community

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Library for inspection by citizens during normal business hours and the notice be placed on Freeport's local cable channel 3 and the Town's website. (Gleeson & DeGrandpre)

Chair Hendricks explained the need for this amendment

**ROLL CALL VOTE:** (6 Ayes)

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ITEM #55-13      To consider action relative to an amendment to Chapter 32: Shellfish Conservation Ordinance Section 32-601 (A) (3) & (5) regarding the age limit for student commercial shellfish licenses.

**BE IT ORDERED:** That a Public Hearing be scheduled for April 2, 2013 at 6:30 pm in the Freeport Town Hall Council Chambers to discuss an amendment to Chapter 32: Shellfish Conservation Ordinance Section 32-601 (A) (3) & (5) regarding the age limit for student commercial shellfish licenses.

**BE IT FURTHER ORDERED:** That copies be distributed equally between the Town Clerk's Office, the Town Manager's Office and the Freeport Community Library for inspection by citizens during normal business hours and the notice be placed on Freeport's local cable channel 3 and the Town's website. (Sachs & DeGrandpre)

Chad Coffin from the Shellfish Commission provided some background information. While there are two 13-year olds that held a license last year, the Shellfish Commission does not want to strip them of their license this year. Mr. Coffin offered to help draft some new language to handle this issue.

**ROLL CALL VOTE:** (6 Ayes)

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ITEM #56-13      To consider action relative to approving a liquor license application for Song Zhong d/b/a Amanda Thai located at 147 Main Street.

**BE IT ORDERED:** That a Public Hearing be scheduled for April 2, 2013 at 6:30 pm in the Freeport Town Hall Council Chambers to discuss approving a liquor license application for Song Zhong d/b/a Amanda Thai located at 147 Main St.

**BE IT FURTHER ORDERED:** That copies be distributed equally between the Town Clerk's Office, the Town Manager's Office and the Freeport Community Library for inspection by citizens during normal business hours and the notice be placed on Freeport's local cable channel 3 and the Town's website. (Wellen & DeGrandpre) **ROLL CALL VOTE:** (6 Ayes)

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ITEM #57-13      To consider action relative to endorsement of testimony in opposition to DEP Application #S-20700-WD-BC-A.

**BE IT ORDERED:** That the Town Council endorses the testimony in opposition to DEP Application #S-20700-WD-BC-A as presented. (Egan & DeGrandpre)

Rod Regier of South Street explained that he represents Freeport on the Board of Directors of EcoMaine. He provided background information for the Council. If the Council chooses to support this item, he suggested that a sentence be added that it was discussed at a Town Council Meeting on March 19, 2013

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and endorsed by a vote. Chair Hendricks agreed to add the endorsement to the bottom of the letter before it goes out.

**ROLL CALL VOTE:** (5 Ayes) (1 Abstention—Wellen)

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ITEM #58-13

To consider action relative to the Shellfish Habitat Restoration Project.

**BE IT ORDERED:** That the Town Council authorizes the expenditure of \$60,500 from the Shellfish Habitat Restoration Account, for the purposes described on the attached worksheet “Exhibit A”.

**BE IT FURTHER ORDERED:** That the Town Council authorizes the waiver of the competitive bidding requirements for the purchase of \$14,000 worth of Ace Crab Traps. (Sachs & DeGrandpre)

Chad Coffin from the Shellfish Commission explained a green crab trapping and fencing project and answered questions for the Council.

Councilor DeGrandpre noted that he supports this effort but questioned who would manage it and who would be doing the accounting? Mr. Coffin noted that Abbe Yacoben would do the accounting and the Maine Clammers Association and volunteers will be erecting the fencing. The money in the budget is for the maintenance of the fencing and collecting the data. They would welcome a labeled coordinator. They are getting advisement from Dr. Brian Beale and are requesting that he approve everything they are proposing from a scientific standpoint. If he were being paid, it would make it more credible and the fee could be worked into the budget. They do have continuing differences with the Department of Marine Resources (DMR).

Mr. Joseph added that he and the Finance Director are working directly with Mr. Coffin along with a couple of volunteers and people from the Shellfish Commission. It’s not a sub-group of the Shellfish Commission but Andy Wilbur and Mr. Coffin do sit on the Shellfish Commission. In terms of marine science, Mr. Joseph explained that he has no knowledge.

Councilor Egan noted it is terrific that Freeport is a leader in solving this regional problem. We know the industry is being threatened and we need to figure out what to do about it. We want to make sure that what we do in Freeport is replicable and other places around this region can use what we have. She feels there is a need for a project manager for a project like this that is complicated and includes volunteers, understanding science and trying to disseminate it to other regions. It is a complicated job and in order to do it right and continue to support the work and the region in trying to save the resource, we need to find someone with project management and scientific expertise that can oversee and execute this. When we approved the budget last time we thought that trapping was the way to hold back the tide of crabs but we now know that trapping is not enough and we need to put in fencing. We learned a lot last year but it would be great to have it documented and disseminated through scientific journals. We need to talk to the DMR so we can start to get some State resources on this and liaising to the Federal Government so we can also start to bring in resources. Freeport is small and has limited resources and it cannot solve such a big problem by itself so we need to set up the project in a way that we can bring in help and also get the scientific community behind us.

Councilor Sachs echoed Councilor Egan. She is not comfortable supporting this. She supports the idea and the research, but there isn’t enough data to make it replicable. She would be much more comfortable having a narrative or plan in place with timelines.

Councilor Wellen suggested that the Shellfish Commission find someone in the scientific community that

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has the skills to put together a plan in language that includes the science behind it and what the goals will be. He suggested that the Council authorize \$3,000 or so to get someone that can come up with something scientific. It does not have to be fancy just a little more polished.

Councilor DeGrandpre is looking for a narrative so they will know who, what, where and when it is going to happen. He asked who the contact person is. It would be good to have it in writing along with timelines. Mr. Coffin agreed the biggest failure of the Shellfish Program is not having a coordinator. Councilor Egan explained that the success of this program completely depends on good project management. The Council has an understanding of what the project would look like and it does not need to hold up the project but a component of this would be for Town Staff with consultation from Mr. Coffin and the Shellfish Committee, to think through who the person could be that the Council could bring on very soon to help start putting this into a format where the Council understands and translates to others. It has to be someone who understands the industry, science and State and Federal Grant opportunities. We can take this and write up all the results and learn more as we go forward.

Chair Hendricks noted that Mr. Joseph can work with Mr. Coffin to put together the narrative of the plan, but he is not the science part. Technical support will be needed. Mr. Coffin recommended Dr. Brian Beal from a science perspective. He understands what the problem is. He has been doing extensive research on it for 20 plus years. His credentials are impeccable. He could be hired for a nominal fee and his name can be on it as a paid consultant to the Town.

Chair Hendricks suggested tabling this item and contacting Dr. Beal. If a fee is associated, it can be put into the budget. If he is agreeable, he can put together a narrative and outline of the program at least for year one and perhaps a suggested program for year two and three. Mr. Joseph and Ms. Yacoben can put the numbers together and we can have another discussion on it. Mr. Coffin agreed that this would be fine.

Mr. Joseph mentioned that in talking with someone that might serve as a scientific advisor or coordinator, what are the Council's priorities for him to engage from this person? He heard tonight how to design a measurable project that is replicable. Councilor Sachs offered to send Mr. Joseph a very easy outline by e-mail. Chair Hendricks asked other Councilors to provide their specifics to Mr. Joseph and then they will be forwarded to Mr. Coffin. They will also be forwarded to Dr. Beal if he is willing to take on the project. Chair Hendricks is confident Dr. Beal will be able to administer the science aspect and point us in the right direction to start the measurable data piece and oversee it.

Councilor DeGrandpre asked if there is a staff person for the Shellfish Committee and Mr. Coffin indicated that there is not. There is no staff person and no Shellfish Coordinator.

**MOVED AND SECONDED:** To table to April 2, 2013. (DeGrandpre & Sachs)  
**ROLL CALL VOTE:** (6 Ayes)

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ITEM #59-13                      To consider action relative to the Hunter Road Fields Rules and Policies.

**BE IT ORDERED:** That the Hunter Road Fields Rules and Policies be approved as recommended by the Hunter Road Fields Advisory Committee on March 7, 2013. (Gleeson & DeGrandpre)

Walter Libby thanked the members of the committee for the work they have done over the past year. He is a resident that will be most affected by it and there is one article in the document that he still disagrees with. He will step up later to remind Councilors of a certain aspect that happened a little more than a year ago. This is a living document and he believes there will be several changes that will evolve over the years. For the most part, he believes this is a fair document. He will respect any decision the Council makes.

Councilor Wellen asked what were the reasons that the Committee chose to allow loud speakers. Mr. Libby explained there is a section in the noise portion that says PA systems will be considered by the Committee for any event that requires a PA system in order for the event to be held there. It doesn't mean that it will be approved but it will be considered. It comes under the definition of events and if there is an event, there is supposed to be notification to abutters that they will have time to be able to attend the meeting to approve the schedule of that event. He explained that the only event they could think of was if we wanted to host an All Star Little League Tournament there and they have to be able to announce the teams and every batter that comes to play.

Councilor DeGrandpre mentioned that it was their intent to make it potentially permissible to use a loud speaker to announce names of the players. Councilor Sachs pointed out that the Town designee appears to have a lot of responsibility and it feels unwieldy to her. On Insurance, Councilor Sachs noted that the committee used "Fields and Trails property" and it has been changed to Hunter Roads Fields in every other piece of this document. Another thing she would change is that the committee used "RCE" in the fees section. She suggested spelling it out.

Guy Quattrucci of South Freeport noted he was a member of a group that pulled together a series of meetings last summer and fall and brought a bunch of groups that had conflicting and diverse opinions about this recreation area and how to use the fields. This plan before the Council tonight has substantive changes from what the Advisory group had brought forward early on as part of an effort to gain support for the fields usage. He pointed out those changes and noted that we have come a long way in two years to unite these diverse groups with conflicting views together in a common vision for that recreational complex. He hopes the Council will honor that initiative and momentum and not move into any kind of divisive turf.

Walter Libby of Murch Road pointed out that a large portion of the Council was not here in December 2011. At a December Council meeting, he presented the Council with a petition containing three bullets.

1. Ensure that the fields' priority use would be for the athletic benefit of our community.
2. Ensure that only ecologically safe herbicides and fertilizers would be used.
3. Try to preserve the rural character —there would be no lights, limited sizes of events and no noise or amplified sounds there.

Thirty people signed this petition and agreed to all of the bullets. The one on noise is still in there and he feels it is something they will have to try out. The neighborhood is going to be the guinea pig if this is approved. He explained the circumstances surrounding the 4-6 football games played on Pownal Road and that there is no barrier that can be added to diminish the noise. If the Council allows loud speakers, it will subject the neighborhood to whatever it is the loud speaker is broadcasting. For example, if there is an All-Star half tournament, that is approximately 18 games over a two-week period in which the neighborhood will hear every player announced for six innings on both teams. That is his opposition to the noise but he will live with whatever the Council's decision is.

Tom Ross of Murch Road thanked a lot of people that worked on this document. He feels some things are really great. He recalled when the Hunter Road Fields developer stood in the Council Chambers and said he wanted the neighbors on board and really appreciated all the things the neighbors have done to support it. Mr. Ross feels the neighbors have been very supportive of Hunter Road Fields for Freeport kids. The developer said the neighbors would have to get used to whistles instead of birds but nobody ever said the neighbors would have to get used to a public address system. He noted that there has been a huge discussion on quiet zones in Freeport and preserving people's expectations of the quality of their lives. The Town is spending a ton of money to minimize or create quiet zones. A lot of people purchased houses in quiet zones expecting that they would remain quiet zones. They did not buy houses next to railroad

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tracks, they bought houses in the RR-1 Zone. He has coached kids in Freeport for more than 20 years and he knows the need for these facilities but does not feel there is a need for a PA system to make it happen.

Kate Butler of Desert Road supports what has been said already. She doesn't hear Pownal Road but from her house she has heard all the construction noise. She is confident that people that are closer will definitely hear the loud speakers and she doesn't feel that was the intent and that they shouldn't be allowed. If any event requires loud speakers, they should find another home in order to happen. She feels there is a lot of confusion on concessions. She asked if she could come and sell something for her favorite non-profit if nobody else is using the concession area. She asked if there should be a fee and if there are other rules around this? She feels the language is vague.

Councilor DeGrandpre pointed out that the concession stand is not completed. At some point the committee will discuss this and the Council may instruct the committee to discuss it. The committee needs a place to start and this is what this document is. If nobody is using the concession stand and there is a tournament going on, Councilor DeGrandpre advised Ms. Butler that she certainly could use it to sell concessions. He agreed that there are many unanswered questions. The committee does not know how it will be used. The committee is hoping that the sports teams playing there will have their boosters raising money for them. At this time, there is no fee to use the concession area and any changes will have to come back to the Council. Ms. Butler explained her concern with a sentence in the Mission Statement. Mr. Libby pointed out that this Mission Statement was written a year ago after going through many drafts. There was discussion about the possibility of developing another field in the future and also what the trail system might be. Councilor DeGrandpre pointed out that there is room for two full-size soccer fields in the wooded section beyond the blueberry field. The committee identified that there was room to grow if necessary.

Chair Hendricks thanked members of the public for staying so late tonight.

Councilor Gleeson noted he is sensitive to quiet issues and is a proponent for quiet zones. He gets the pit in the stomach of neighbors that have had many years of a pastoral setting. He understands that it is probably not possible to host tournaments without some sort of portable public address system. He feels the loudspeaker issue needs to be discussed.

Councilor DeGrandpre understands the noise concerns. The language tries to be sensitive to the issue but does not prohibit it altogether. If loud speakers prove to be a problem, it can be changed. He supports the changes and wants to see how it works; the Council can take a look at it annually to see if changes are necessary.

Councilor Sachs noted she would like to send the document back to the committee with the changes suggested tonight particularly in the Mission Statement, concession issue and grammar. She would start with taking out the loud speaker because it is easier to put it in later, given the fact that there is already an impact on the community between the whistles, traffic and noise. We already discount usage and the community has been very supportive of this project. If there is truly only one example, then what do we lose so much as a community by not having it in there. She feels we will not lose that much.

Councilor Wellen had a question about lighting. Mr. Libby explained that he talked to the Town Planner and was told that basically we could not put a field light out there without violating the Ordinances.

Councilor Wellen pointed out that his constituents in District 4 do not want to hear the noise. He feels it is more important to keep the RR-1 neighborhood quiet and peaceful. This is more important than the prestige of one tournament when one looks at the overall picture. He noted he could pass the document with the following changes: in the Mission Statement take out: *with the capability to provide increased capacity should future requirements increase*. On priority use, he feels the Council will have to think

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through any big tournament and whether we are going to want to have a higher percentage of Freeport kids. He would take #5 out and have more discussion on that. He does not have a strong opinion on Concessions so he suggested leaving it for now. Under noise, he would word it to read that loudspeakers, sound amplifying equipment, radios and musical instruments are prohibited. Without making these changes, he cannot vote for this document.

Councilor Egan thanked the folks that worked on this document. She is aware it took a lot of time and effort. There has been a lot of process and a lot of public input into this already. She is sensitive to the people that are not in the room tonight. She pointed out that all neighborhoods have issues that the Council has to deal with and it is a tricky balance to keep the rural residential pastoral feel along with other things. Her neighborhood deals with the Sewer District smells. She feels there is really good protection built into this document around the public address system in that it is only for special events that will require it and it also has to get approval from the Advisory Board. One event every four years seems like a small amount of disturbance to the neighborhood. She is inclined to go with the will of the overall committee. It was approved unanimously and she feels the Council should go forward.

Chair Hendricks thanked everybody for coming tonight. He appreciates the work the committee has put in. He agrees the grammatical stuff needs to be fixed. He has no problem taking the one sentence out of the Mission Statement. This is a living breathing document and if needs change, the policy will have to change as well. As far as priority use, having Freeport listed in the first four, if there was an "other", there was going to be very limited space available. The priority use is always going to be Freeport groups. He agrees there is no need for lights there. As for noise, he agrees on both sides of the fence. From what he has been told, if there are events there needing loud speakers, they will not occur every year. The only event will be a Little League Tournament and the chance of our having it could be once every four or five years. He agrees with the parameters that have been put it and agrees that they should be kept in.

Chair Hendricks asked Councilors if they want to send this back to the committee, make amendments and vote on it or vote on it.

Councilor Gleeson feels overall it is a great document but he still stands on the loudspeaker issue. It will put him on hold to research a little more. He received Ms. Butler's e-mail at 5:35 p.m. He agrees that we have committees for a reason. They research all the facts but he is somewhat ready to send it back to them to really to hash out his concerns and those of Councilor Sachs. She brought up the fact that we are so close with one point being the loudspeaker issue. The other issues were very minor. He is aware that the intent of the usage is extremely low and someone will have to apply every time through the committee to even get approval to use a loudspeaker. One could say that you could get a room full of people every time someone applied and it could be denied. He is having a hard time with this decision.

Councilor Egan explained that if the Council decides to send this back to the committee, it needs to provide firm direction as to what it wants. It can't be just send it back to the committee for more discussion.

Councilor Wellen agrees that sending it back to the committee without direction does not make sense. He has pointed out things he would like changed but the most important thing for him would be prohibiting loudspeakers. He would vote no if the loudspeakers are left in.

Chair Hendricks asked for consensus on things that need to be taken out and things that need to be sent back. Councilor DeGrandpre explained that he has taken notes this evening and there are half dozen issues here. Whether the committee changes its mind on loudspeakers is a decision the Council will end up making here, he is quite certain. As far as the Mission Statement, it was written a year ago so he doesn't see this as an issue. On the "other" he agrees they need to figure out what it means because "other" is not very specific. He agrees more information is needed on concession stand.



Chair Hendricks asked Councilor DeGrandpre to go back and have the committee re-address the Mission Statement, Priority Use, Look at “other” and redefine it, fix the typos, look and redefine concessions. If they want to take another look at noise, he is confident a decision will be made at the Council level either way. Councilor Sachs requested that the committee clarify “permitted by committee”. Do they care if it is by majority only or if it is by super majority or however they want. She would take it out so she is a “no” vote on that. She feels it is important.

Chair Hendricks asked when the committee would be meeting again. He hopes this can go back to committee quickly and come back to the Council quickly. Mr. Libby advised that he would be in touch with the Town Manager. Mr. Libby pointed out that Craig Sickels, RSU Representative, took exception to the fee schedule. It requires the RSU to pay a nominal fee if they are going to put scheduled teams onto the fields and they want times guaranteed for them. Mr. Sickels is opposed to the RSU paying a fee. Councilor DeGrandpre advised that Mr. Sickels did not wish to discuss whether the RSU should take care of the fields for no charge.

**MOVED AND SECONDED:** To table this item to April 2, 2013 if the committee has a chance to meet and bring it back to the Council and address the 7 or 8 items talked about earlier. (DeGrandpre & Sachs) **ROLL CALL VOTE:** (6 Ayes)

**MOVED AND SECONDED:** To adjourn at 11:16 p.m. (Sachs & Egan) **VOTE:** (6 Ayes)

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Respectfully submitted,

Sharon Coffin, Council Secretary

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #07-13**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**TUESDAY, APRIL 2, 2013 - 6:30 P.M.**

|   | <u><b>PRESENT</b></u> | <u><b>ABSENT</b></u> | <u><b>EXCUSED</b></u> |
|---|-----------------------|----------------------|-----------------------|
| Rich DeGrandpre, 11 Timber Ridge Road   | x                     |                      |                       |
| James Hendricks, 21 West Street         | x                     |                      |                       |
| Kristina Egan, 5 Weston Point Road      | x                     |                      |                       |
| Melanie Sachs, 84 Kelsey Ridge Road     | x                     |                      |                       |
| Andrew Wellen, 83 Hunter Road           | x                     |                      |                       |
| Scott Gleeson, 23 Park Street           | x                     |                      |                       |
| Sarah Tracy, 75 Lower Flying Point Road | x                     |                      |                       |

Chair Hendricks called the meeting to order at 6:30 p.m. and took the roll.

**FIRST ORDER OF BUSINESS:** Pledge of Allegiance

Everyone stood and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the Minutes of Meeting #06-13 held on March 19, 2013 and to accept the Minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the Minutes of Meeting #06-13 held on March 19, 2013 and to accept the Minutes as printed. (DeGrandpre & Egan)

**VOTE:** (7 Ayes)

**THIRD ORDER OF BUSINESS:** Announcements & Congratulations to the High School Combined Nordic Ski Team (15 minutes)

Chair Hendricks announced:

- The current discussion topic on Freeport Talks is “What do you think about the renovation plan for Freeport High School?” Residents are encouraged to provide their input by going to [www.FreeportTalks.org](http://www.FreeportTalks.org).
- On April 9, 2013 Free Movie Day at Nordica Theater and Free Cone Day at Ben & Jerry’s will take place. Donations will be accepted at both events and all proceeds will go to benefit FCS and the FCS Summer Camp Scholarship Program.
- On Saturday, April 20 at 9 a.m. there will be an Urban Runoff 5K Race at Deering High School in Portland as part of the Green Neighbor Family Fest, which celebrates Earth Day and clean water. The Town of Freeport is indirectly sponsoring this event to help educate the public about stormwater pollution issues. All proceeds raised benefit clean water education programs. The Family Fest also includes games, live entertainment, face painting and more.
- On April 25 at 6:30 p.m. Community Night will take place at the Freeport Community Center. There will be community discussion and an opportunity to share your thoughts and ideas. Everyone is welcome. Community Night provides a forum for citizens to express concerns and bring change. Input from the most recent Community Night was the motivation for starting the Tolerance and Respect Project (TARP) which is creating more awareness of bullying and has

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been responsible for Laptop Evenings for parents, a 9<sup>th</sup> grade community-building retreat at FHS, and a panel on Community Safety. There will be snacks and socializing from 6:30-7 p.m. and Lesa Andreassen will lead the discussion.

- Next Wednesday, April 10 is the last day AARP will provide free Tax Preparation Assistance. Assistance is available by appointment only by calling 865-4743, Extension 120.
- There will be a Hazardous Waste Coupon Program to give Freeport residents a responsible way to dispose of household hazardous waste such as old pool chemicals, antifreeze, herbicides, insecticides, pesticides and oil and enamel based paints. Freeport residents may pick up a coupon free of charge at the Freeport Recycling Center during their hours of operation. When picking up the coupon, residents will need to provide their name and address. The coupon is worth \$20 towards disposing of household hazardous waste at Portland's Riverside Solid Waste facility. Coupons are limited to one per household and will be available on a first come, first serve basis. There are less than 100 coupons available. Disposal costs at the Riverside facility are \$6.50 per gallon of liquid waste and \$3.50 per pound of solid waste. The coupon will allow for three gallons of liquid waste and almost six pounds of solid waste or a combination of liquid and solid waste to be disposed of at no charge to a Freeport resident. The resident will pay for any disposal cost above \$20. The Riverside Solid Waste facility in Portland accepts household hazardous waste every Saturday from 7 a.m.-4 p.m. beginning this Saturday, April 4 through November 30, 2013. For a complete list of household waste accepted at the Riverside facility and other information about dropping off such as leak-proof containers of the original container if possible, or not mixing chemical wastes, go to Portland's Website and look under Departments and choose Public Services. For more information on the Coupon Program, go to the Freeport's Website and look under Town Services and select Recycling Landfill Facility or call the Transfer Station at 865-3740.

The Town will conduct a public informational meeting on Tuesday, April 9 at 6 p.m. at the Freeport Community Center located at 57 Depot Street in Freeport. This will be for the after the fact application for the Hunter Road Recreational Facility, the Pownal Road Recreational Facility as well as other Municipal property abutting these facilities. The application is also for upgrades to the Hunter and Pownal Road Facilities. This is for the DEP permit. Mr. Joseph explained that Albert Presgraves and Al Palmer would both be there.

Chair Hendricks noted that the Freeport Town Council is pleased to recognize the outstanding achievements of some high school students. He congratulated the coaches and members of the Girls Combined Alpine and Nordic Ski Teams who won the State Championship this year. He also congratulated Ryder Bennell for winning the Individual Giant Slalom State Championship. He congratulated the three members who qualified for the New England Indoor Track Meet Championship and their coach, Brian Berkemeyer. He asked everyone to give these students a big round of applause.

Coach Berkemeyer explained how his team qualified. This is the second time in five years that they have had anyone go to the New England's. He noted that the High School Track Team has continued to grow every year. They have over 50 students participating in outdoor track this year.

Nordic Coach Joel Henshaw mentioned that this is the second year in a row that the Girls have pulled through for the State Championship. Freeport has really developed a good Ski Program.

Alpine Coach Jay Thomas explained that he coaches both the boys and the girls. This year the girls team was able to go up to the States in Presque Isle and were able to go with the Nordic Girls to put together the Combined finishes. He feels it was a real team effort to give Freeport a first place finish there. He

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mentioned there is a strong program at the high school and also at the Middle School. They are looking forward to moving into Class B next year and will be racing with some of Freeport's closer neighbors.

**FOURTH ORDER OF BUSINESS:** Information Exchange

Councilor Tracy advised that tomorrow night at 6:30 p.m. at Freeport High School the RSU5 is holding an informational meeting on the Freeport High School Renovation. Citizens will have an opportunity to hear first hand from committee members and the architect about details of the project. It will be followed by a question and answer period.

Councilor Tracy noted that she appreciated all the District 2 participation in the election. It was really an active and engaged process. Joyce Veilleux did a great job and everybody came out better for it in terms of reconnecting with the process. She appreciated everyone's support. Councilor Tracy wished her 9-year old daughter, Savannah a happy birthday.

**FIFTH ORDER OF BUSINESS:** Town Manager's Report

Mr. Joseph reported:

- From March 8-May 15 heavy loads are limited on certain Town roads. All regular delivery route trucks are exempt, including oil trucks, propane gas trucks, trash haulers and other necessary vehicles. A list of all Posted Roads is on the Town's website. This list is subject to change without notice. For current information or questions, contact the Public Works Department (865-4461). Applications for permits (with guidelines) to travel on posted roads are also available on the Town's Website.
- Tax bills will be mailed by April 2, 2013 and are due on or before May 15, 2013. The mil rate for this billing cycle is \$15.45 per \$1,000 of assessed value. If you have not received your tax bills by April 7, please call the Finance Department at 865-4743, Extension 111 for a reprint of the bill.
- The annual Library Book Sale starts Saturday, April 6 and continues every day except Sunday through Thursday, April 11. Tax-deductible donations of books, movies, (VHS & DVDs) are still being accepted at the Library. Come to the Library during the book sale to donate a book or to get a great bargain!
- If you would like seaweed for your garden compost or mulch, Winslow Park has an abundance of great seaweed, which is available for free. Interested residents can come down to the Park during regular Park hours. Follow the signs towards the maintenance garage, which is where the seaweed is piled. The access drive to the maintenance garage can be muddy, so in order to preserve the condition of the road, please walk in if the road is wet. Bring your own containers and be prepared to load the seaweed on your own. There is plenty of seaweed right now and it will continue to be available on a first come, first served basis as long as the supply lasts. Please, no loads larger than a pickup truck.
- April 9<sup>th</sup> is Freeport Day at the Nordica Theatre. Donations will be collected at the event and all proceeds will benefit FCS. Please remember to bring proof of residence. While you are taking in a free movie, you can also drop by Ben and Jerry's for their Free Cone Day, which also falls on April 9<sup>th</sup> this year!
- Winslow Park is finalizing their plans for the summer of 2013. Mark your calendar for this year's Family Fun Day which will take place on June 22 and will consist of the Close to Coast Race, live music at their new bandstand, activities for the kids and lot of food and refreshments. There

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will also be three weeks this year available to Freeport residents to camp for free with the first week being the week of June 24-30 and two weeks in September from the 16<sup>th</sup>-29<sup>th</sup>. As always, the Summer Concert Series will take place on Thursday evenings in July and August. Details on all their events will be posted on the Town's website as they are finalized, or you can call the Park at 865-4198.

Chair Hendricks pointed out that the Mallet Bros. would be playing at Winslow Park on Family Fun Day.

**SIXTH ORDER OF BUSINESS:** Public Comment Period – (30 Minutes)  
(Non-Agenda Items Only)

Chair Hendricks reminded residents that their discussions should be limited to three minutes. He declared the Public Comment Period open.

Joe Migliaccio of South Freeport Road congratulated the Council on its Citizen of the Year selection this year. He requested that the Council as it enters into the budget season and looks at priorities, that it would be a great time to consider bringing in natural gas to Freeport citizens' homes. This was discussed at length at the District 3 Council meeting and there are opportunities for the Council to do some subsidization and have the users pay it back later. He noted there was discussion where the Town Manager advised that L.L. Bean and others were going to go with Maine Natural Gas. He learned later that there are two types. There is the public utility and then there is Summit Natural Gas. He read where Falmouth, Cumberland and Yarmouth's Councils have been negotiating with Summit. There is a commitment over five years to get 86% penetration. He feels this may be something the Council can charge to FEDC and figure out how to get it going.

Roben Voit of Maquoit Drive suggested that the Council find out what the real needs are in Freeport. He is confident it can be done with a Needs Assessment. He is aware that there are always groups coming to the Council seeking funds and he is unsure that this is the best way to find out what the people in the community really want. He lives among many elders and they are reluctant to speak up at meetings. He would like to see a center line put down Lower Flying Point Road and Byram Drive so people can find their way home on a foggy night.

**MOVED AND SECONDED:** To close the Public Comment Period. (DeGrandpre & Egan) VOTE: (7 Ayes)

**SEVENTH ORDER OF BUSINESS:** To take action on the following items of business as read by the Council Chairperson.

ITEM #64-13 To consider action relative to adopting the April 2, 2013 Consent Agenda.

**BE IT ORDERED:** That the April 2, 2013 Consent Agenda be adopted. (Hendricks & Egan)

Chair Hendricks reviewed the items for members of the public. In reference to the dog warrant, He asked members of the public to let the Town know if they no longer have their dogs to avoid a P.D. Officer coming to their home with a warrant.

**ROLL CALL VOTE: (7 Ayes)**

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ITEM #65-13 To consider action relative to the proposed Capital Program for FY 2014.  
**PUBLIC HEARING**

**MOVED AND SECONDED:** That the Public Hearing be opened. (Gleeson & Sachs)  
**VOTE:** (7 Ayes)

Chair Hendricks noted that this is an opportunity for residents to speak about items on the Capital Improvement Program, which eventually will become the Capital Budget.

Kristina White, Freeport Historical Society Director requested funding in the amount of \$30,000 for documenting the Harraseeket Historic District Documentation, upgrading and updating.

Angela Garrison is a Yarmouth resident but explained that FEDC helped her set up her business in Freeport. FEDC has been key to her success. She found great pleasure working with Keith McBride and feels Freeport is fortunate to have him.

Michelle Allett, has a business in Freeport and is also Chamber President. She noted that the community is made up of residents, businesses and Town Government. The three must work together. She advised that the Chamber is a relatively young chamber and each year it has asked the Town for less money. She feels that money is an investment in small businesses. She had written testimonials from Chamber members.

Sande Updegraph, Freeport Chamber explained that people like to do business with people they know. The Chamber works to connect businesses with each other and with the residents. They do this by networking. They put on business seminars and provide public information. She spoke in favor of Chamber support.

Wilson Woodbury of Freeport Hardware explained that he joined the Chamber in October and found that networking really works. He supports the Chamber, the community and the Community Center.

Stephanie Helms of Lunt Road supports the Chamber but explained that the Teens and the Elders are able to raise funds on their own but the Chamber of Commerce has to come to the Town and request \$30,000. Three years ago they requested \$48,000 for seed money and indicated that was what was needed to get started. It's been three years and good neighbors go out and ask their neighbors for help. They do not ask their government which has the power of taxation to confiscate your neighbor's money and put it into their pockets. The same thing goes for FEDC, which is a private organization and does wonderful work. It shouldn't have an office in the Town Hall and shouldn't be working off Town largesse. It should be working independently. They are a 501.C3 corporation and part of their incorporation documents say they will not lobby for legislation. She asked if changing zoning is legislation? She asked if it is odd that FEDC needed to lobby the Planning Board and this Council and this Town to change the zoning of this town to allow a private enterprise that they had been working with over time to get their feet on the ground. She asked if it is also lobbying for legislation to strike the independent course on Vision 2025 that certain FEDC members have outright stated they would like to see incorporated into the Comprehensive Plan. She noted the Comprehensive Planning Process is a Municipal process and while she wants to support both of these organizations, she doesn't want to support them involuntarily and doesn't feel the Town should.

Matt Morrison of Linda Bean's noted that Linda Bean is a member of several Chambers. He noted that they have brought a lot of new people into their business and have sold product. He noted that the Chamber of Commerce is important to this Town. He asked the Council to not downplay the Chamber but to strengthen it.

Caleb Stevens, is a Financial Advisor for Edward Jones on Depot Street and an Augusta resident. He spoke in favor of the Chamber and urged the Council to fund it.

Michelle, Assistant Manager at Bath Savings spoke on behalf of Sue Klein of Mermaid Transportation who joined the Chamber in the Spring of 2012. She found the staff to be helpful and gave her assistance in making networking calls.

John Eagan of Curtis Road heartily supports the FEDC and the Chamber. He asked the Council to consider the contribution as a value and investment.

Roben Voigt of Maquoit Drive advised that FCS does a great job dealing with all of our community needs and he feels the Council should support them as well as the Freeport Elders. Freeport USA is raising their own funds and it is a perfect example of what business organizations should be doing in our community. The Chamber and FEDC should be raising their own funds and operating independently. We have a lot of community needs and we need to keep our taxes level or lower. He requested that the Council keep taxes low.

Anne-Marie Davee, active Freeport resident, requested \$23,625 in support to complete a comprehensive Active Living Plan. She had other residents stand to show support for the Plan.

Susan Chevellet, Kathleen Damon of Harvest Ridge Road, Doug Leland of Cushing Briggs Road, Valy Steverlynck of Pine Street also spoke in favor of the Active Living Plan and the need for an outside consultant. Ms. Steverlynck noted that South Freeport Road was recently resurfaced and now cars drive faster. Steep ditches have been put in for the betterment of cars. In the future she suggested that a plan be developed to take into consideration multiple users to each road.

Ruth Burke of 100 South Freeport Road supports the speed table. She is disappointed that the speed limit was raised from 25 to 35 a quarter of a mile from the school. The reason for the speed table was to slow the traffic. She plans to contact the State on this issue.

Spencer Drake of South Freeport noted the problem that exists at the stop sign and cars speeding at 35 mph. He feels the speed limit should be 15 mph because of the dogs, kids, walkers, church, store, dumpster and school buses.

Dave Toulouse of South Freeport advised that the traffic has been increasing with the YMCA and Winslow Park. He noted the change from 25 mph to 35 mph and feels that 35 mph. in that zone is a disgrace.

Joe Migliacio of South Freeport Road supported everything that has been said about the speeding on South Freeport Road. He supports the Active Living Plan and urged the Council to take the time and do it right. He suggested holding off on the rfp and going to our neighboring communities and proposing some kind of Interlocal agreement. He mentioned the time and effort spent on the Beth Condon Parkway in Yarmouth. The Council has to force collaboration through its budgets and appropriations. He urged the Council to put money into bike lanes on roads that are no brainers. As for the Chamber, he noted that the Council should do what it has to do as long as funding keeps going down. He asked the Council to look at ways to bring Natural Gas to Freeport citizens.

Carol Southall, speaking as a grandmother and a former nurse, pointed out that the Healthy Living Plan would be wonderful for children for this community.

John Lowe of Ledgewood Lane doesn't feel the Town should be adding a camera at the Train Station. It appears that if a camera were installed, it would only be monitored while someone was in the Train Station. If this is something to be done, he suggested that it be collaborative with other Police cameras such as at the wharf or the Town Hall and be watched all the time through the Dispatch Station in Brunswick. The Active Living Task Force has done an excellent job but he questions spending that much

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money for an outside consultant. He would prefer to at least keep the money within the State. He also had questions about Cable having the money for Channel 14. This is an RSU channel and some of the funding should be spread out with Pownal and Durham if they use this channel.

Mac Collins of South Street spoke in favor of the Historical Society's Harraseeket project. He is also in favor of the Active Living Plan. He encouraged the Council to support both budget items.

Jessica Mellen of Flying Point Road spoke in favor of funding the Active Living Plan. She reiterated what other people have already said.

Marie Gunning of Telos Road noted she has been in communication with the Town Manager. She pointed out that we are moving forward with the Capital Plan without having the Operating Budget numbers. She noted there is some important information that is not here and residents do not have a clear picture of what this Capital Plan is and how it will influence what our tax rates will be. We have reserve balances that do not show the Fiscal 2013 transfers. Residents don't know what the ongoing funding will look like year to year. The Charter specifically says the budget is the total plan for all finances. She mentioned that Freeport is set up differently from a lot of other towns. We have a lot of money in capital reserves and a lot of money in capital project funds. The sheet the Council is looking at with the five-year plan doesn't reflect that we have approximately \$3M in Capital Project Funds. She provided some analysis to the Council showing a quick overview of where we stand. Freeport has an enormous amount of reserves relative to the size of our town and the income of our residents and our needs. Part of it is the legacy of the RSU consolidation and our schools were spun off into the RSU without reserves. Essentially we took four old buildings and put them into the RSU with no money. She feels some of this money should come back to the taxpayers. She feels we need to reduce our taxes with some of this reserve money. We need to talk about the fact there is no money in here for our schools.

Tom Wilbur of Lower Flying Point noted that he continually receives requests for donations from outstanding causes. He feels the Council needs to look at ways to eliminate some of the needs for those donations. A priority should be \$15,000 for a bus for the Elders. They have raised \$45,000. His other priority is the schools. The quality of education is important. Extremely important budgets to the schools have been cut. When it comes to funding FEDC and the Chamber, while they are great organizations, he doesn't know how FMA managed from 1984 until today without any Town funding. FMA did the function of FEDC and the Chamber until those two organizations were created. It appeared to him that the Town moved forward at a pretty good pace. He also feels most of Freeport's roads are unsafe for biking and walking. They are barely safe for driving sometimes.

Edward Bonney, Train Station Manager, feels it is important to tell the public the reason for his request for a camera surveillance system at the Train Platform, Station and adjacent parking lot. There is no requirement that this be done. He felt it was prudent to take steps to ensure risks are managed. He met with the Police Chief and they will pursue what realistically could be done to cure the need for at least 24/7 monitoring of certain cells of surveillance. The Council has to decide if his suggestion has merit and should be funded. He feels strongly that it is needed.

**MOVED AND SECONDED:** That the Public Hearing be closed. (Gleeson & Sachs)  
**VOTE:** (7 Ayes)

Chair Hendricks thanked everyone for speaking tonight. He explained that no final decisions would be made tonight. The Capital Improvement Plan will be voted on April 23.

**NOTE: A five-minute recess was taken.**



**Article I—Police Department,** Chair Hendricks noted that the Manager is estimating \$25,000 to replace the computers in the Patrol Vehicles. Councilor Egan noted that the Police Chief believed this figure might actually be less. He wanted the “up to” flexibility. Councilor Wellen explained that he wanted to reserve the right to research some of these issues more and bring them up later but agrees that it is great to get the process started tonight.

Councilor Sachs mentioned that she is taking public comments seriously and has received 25 e-mails in the last few hours. The information she is getting minute by minute is really important. The emphasis that there is no final decision this evening is important. Chair Hendricks noted he is hoping to get some done tonight and there maybe items that won’t require a lot of discussion. Councilor DeGrandpre is willing to do some of the heavy lifting tonight but there are some areas where he may need to come back to. He hasn’t had an opportunity to talk to a lot of folks.

**Article II—Fire Department,** Chair Hendricks pointed out that the Manager is proposing \$15,000 for protective clothing. Councilor Egan thanked the Fire Chief for cutting \$90,000 and moving some of the items out to other years. Councilor Tracy seconded that. Councilor Wellen plans to get more information from the Chief on the Engine 3 replacement to see if there are alternatives. Chair Hendricks suggested that he send his inquiry directly to Mr. Joseph and he can copy the Council. Councilor Tracy agreed that an explanation of why there is a need for replacement of Engine 3 and what the cost covers would be helpful. Chair Hendricks would like to know whether or not an emergency service vehicle needs to be replaced in order to not risk public safety. He would like to know if we are trying to nurse along a piece of equipment or get a couple more years out of it when we really shouldn’t be. He is curious on how the chief makes a determination that a piece of equipment needs to be replaced.

Councilor DeGrandpre requested Mr. Joseph get a schedule of Fire/Rescue equipment and when replacement is needed. (similar to Public Works).

**Article III—Rescue** Chair Hendricks noted that there is \$15,000 for the Electronic Run Reporting, \$14,000 for Protective Clothing and \$160,000 for a cardiac monitoring system.

Councilor Sachs asked if the Chief could clarify if he got any more information on the Electronic Run Reporting. He had mentioned it could cost \$30,000. Chair Hendricks mentioned it was supposed to be part of a grant process and it would be good to know if we are getting the money. Councilor Egan asked if the \$160,000 cost could be shared with the Net Program. Ms. Yacoben explained that the Fund Balance should be allowed to grow since it was barely breaking even. She offered to report back during Operating Budget time. She noted that the Council could split capital items once the fund is gaining fund balance. Councilor Sachs pointed out that the Chief eliminated \$28,000 out of the budget entirely.

**Article IV—Public Works—**Councilor Tracy thanked Public Works for providing additional information. She asked how often the wood chipper is used and learned that it is used on a daily basis. She also learned that the pick-up truck with plow has over 90,000 miles.

Chair Hendricks provided copies of e-mails referring to department information. Councilor DeGrandpre will take a look at the equipment and will also speak to Earl Gibson. He feels it is important that the department have the equipment they need.

**Article V—Solid Waste/Recycling,** Councilor Wellen wants to know from Mr. Presgraves how much it costs to replace the gravel under the leaf composting area. If it costs \$500 per year, it doesn’t make sense to pave the area. He would prefer to delete it. Councilor Egan feels \$60,000 is too expensive for paving the composting area and would also prefer to delete it. Mr. Joseph will talk to Mr. Presgraves to make sure it is not an environmental issue. Councilor Gleeson agreed with Councilors Wellen and Egan.

Councilor DeGrandpre mentioned that if we are going to buy a new compactor for residential waste, perhaps we should retain the other one to compact the stuff in the Silver Bullet to cut down on transportation costs. It could generate considerable savings. He would be interested in purchasing it rather than leasing.

Councilor Egan explained that we are going to be closing the remaining landfill in 2016 and she has heard a lot about pollution in the Pownal Road/Hunter Road area. Mr. Presgraves' testimony advised that it is ready to be capped now. She asked if the Town should move this item earlier so we can reduce pollution by capping it earlier. Mr. Joseph indicated that it is definitely an option in rearranging it but he didn't believe there was a reason why it couldn't be done in 2014 or 2015. 2014 may be a little bit of a rush. He would prefer to defer this to the Town Engineer. Councilor Egan asked if there is environmental contamination coming from the dump and if we capped it earlier, would we receive an environmental benefit? She also asked how fast could we actually cap it if we decided to move earlier?

Councilor Tracy noted she would like more detail on what comprises the \$150,000 and how it breaks down for individual expenses, if any. Mr. Joseph explained that our actual landfill closure number is higher than that. The Town Engineer has a good handle on this and what the estimate will be. He will ask for more detail in writing from Mr. Presgraves. Councilor Tracy also would like to know what activities are done with the capital contribution in combination with other sources of funding we are obtaining for that purpose.

**Article VI—Comprehensive Town Improvements**, Chair Hendricks reviewed the items under FY 2014. Councilor Sachs asked why the Active Living Project is now listed here when it was under Boards and Committees. Is it coming out of a different funding source? Mr. Joseph explained that it is a plan but it also addresses infrastructure in terms of roads, bike paths, etc.

Chair Hendricks explained that the Wardtown Road/Route 125 project was pushed out to 2015 because the State DOT will fund half of it then. They won't have the money in 2014. Councilor Sachs pointed out that the South Freeport Village Project is being shown in 2015 as well as 2017. Mr. Joseph explained that it should be removed from 2015 and only shown in 2017.

Councilor DeGrandpre referred to the Wardtown Road/Route 125 project and pointed out that the whole cost is estimated at one million dollars. It includes gravel shoulders but does not include paved shoulders. The challenge is making the road wide enough so that the ditches are far enough away to create that paved shoulder. The State will not fund paved shoulders so we need to start looking at that \$500,000. Chair Hendricks would like to look at the numbers from Mr. Presgraves before agreeing to approve increasing it.

Paul Nyhauf, Senior Transportation Planner for PACTS explained that they are a funding entity in the Greater Portland area for planning studies and capital improvement programs. Yes, there will be funding available but any additional money now that is not spoken for is probably 2-3 years out. Mr. Presgraves is well aware of the process that we need to go through to choose the projects.

Councilor Wellen asked Councilors to give some thought to whether the Town would do the Wardtown Road project if it doesn't get the MDOT funding next year.

Councilor Tracy asked about the need for moving up the Torrey Hill Range Road Drainage and Overlay to 2014. Chair Hendricks explained that when South Street was done last year, there was an opportunity to dig up the intersection and do some drainage work. They now want to tie into the infrastructure there. Councilor DeGrandpre pointed out there is at least one drain at the top of the hill that was filled in with

concrete so there are drainage issues that have been there for a long time and the thought was to finish the project.

Councilor Egan referred to the FY 2015 Pownal Road Fields Stormwater and Parking Lot Improvements and in talking to Mr. Presgraves she learned that we could do this for \$69,000 if we didn't expand the parking at Pownal Road. It wouldn't be \$121,000. She is not comfortable moving forward with something when we don't know how big a priority additional parking is on Pownal Road compared to all the other things we need to do. Councilor DeGrandpre noted that the \$69,000 is actually a reduction in parking. Mr. Joseph added that the water drainage needs to be done and it may not be discretionary based upon what DEP approves. Councilor Wellen asked for more data if the referendum passes. Chair Hendricks asked if there are some cheaper alternatives? He noted that more discussion would take place on this.

Councilor DeGrandpre pointed out that the Council is going to pass this Capital Budget and the Operating Budget before the vote in June. In the past we have always known what our budgets are before approving them. Councilor Tracy noted the Council should operate on the assumption that the renovation referendum will pass.

On the Pownal Road Field, Chair Hendricks noted the Council agreed to the minimalist decision but he would like to know what the cost would be to get back those 14 parking spots.

**Article VII—Municipal Facilities**, Chair Hendricks read the items and asked Councilors to reduce the Pine Street Roof Vault from \$28,000 to \$18,000. Councilor Wellen noted he would like more time to think about the \$30,000 train platform camera and signage. He would like more discussion on the Library expansion, attic insulation and plastic panels. Chair Hendricks is not sold on installing cameras to patrol that lot and doesn't feel he can support this. He would prefer a "park at your own risk sign". Councilor Sachs feels there are two reasons to install a camera—risk management and monitoring for safety. She feels there is a lack of data. She would like more clarification before the 23<sup>rd</sup>. Her inclination is to defer this. Councilor Egan noted that it doesn't have any kind of prevention aspect to it. It doesn't appear to be able to prevent any kind of an accident. She would prefer to see this money go into crossings and the quiet zones. It is not a requirement for train stations to have this. Her inclination is to delete it. Councilor DeGrandpre suggested installing a little red beacon so people think they are being recorded.

Councilor DeGrandpre asked what the \$50,000 train station plastic panels are. Ms. Yacoben will find out. He asked what is involved in the Highway Department Building heating system. He mentioned it is Item 2 in 2015. Ms. Yacoben explained that this work is a regular replacement.

Councilor Tracy feels the Town has spent a lot of money on the train and a discussion will take place later on train crossing costs. She feels Mr. Bonney raised this issue out of a sense of responsibility for the town and it is a wise thing to raise, but in terms of priorities, there are a lot of demands in the budget and this does not rise to the top of the list for her at this time. She suspects the cost may well be higher than \$30,000 if it is done right. She is inclined to delete it from this year's Capital Plan. As for the \$40,000 computer upgrades town-wide, she has had discussion with Town staff about the necessity of that item mindful that last year in fiscal year 2013 \$125,000 was adopted for a computer upgrade. For the moment, she feels enough money was spent in this area and there are other needs in Town that need to be addressed. It does not appear that the elimination of this item would create an emergency situation for the Town. She would suggest eliminating \$40,000 for the computer upgrade and \$30,000 for Train Platform video cameras and signage. Ms. Yacoben noted that the \$40,000 is something she would like to see done but it is not mandatory. The \$21,000 is money allocated for computer replacements. Discussion followed.

**Article VIII—Cable**

Chair Hendricks referred to the \$4,000 for equipment and other improvements to channel 14. Mr. Joseph noted a discussion needs to happen regarding Channel 14 funding with the other towns in the RSU5. Rick Simard noted there are no contributions from Pownal and Durham. Councilor Tracy brought up the fact that Pownal uses Time Warner and she questioned if Channel 14 aired on that station. It may be silly to ask them to fund something they cannot view. Mr. Joseph was glad Councilor Tracy brought up this point.

#### **Article IX—Boards, Committees, Community Groups and Other Requests**

Chair Hendricks reviewed the requests and suggested that Councilors change the Shellfish Commission Habitat Improvement amount from \$81,600 to \$71,000. Councilor Wellen feels that the \$30,000 Historical Society Archiving Project request should be deleted. The Council should get tough on saying no to outside groups in order to keep the tax rate down. Councilor Tracy mentioned that the Historical Society has not asked for contributions from its members but it would be providing 60-100 hours of support. She feels it would be helpful to know why the Historical Society has not requested private funds for this project. Kristina White explained that they have not explored asking for private funds for this project and have not identified any funds in the grant community to fund this project. Councilor DeGrandpre explained how difficult this year is for the Council. Discussion followed. Chair Hendricks noted this project is not high on his priority list for this year and suggested that perhaps the Society can look for some grants.

#### **Destination TIF Village Improvements FY 2014 Budget and Five-Year Capital Program**

Chair Hendricks reviewed the three items on the list. Councilor DeGrandpre asked where the parking garage is shown. Ms. Yacoben explained that it is in another TIF. Chair Hendricks asked if a separate workshop should be scheduled to discuss FEDC and the Chamber.

Councilor Tracy has discussed this with multiple people based on her experience on the campaign trail recently, it appears there is some concern about whether FEDC is representing the interests of the full community. Structurally there may be some improvement on how FEDC is taking other perspectives into account. They only obtain revenues from the Town. She suggested that two of the Board members be appointed by the Council to represent non-business interests. She mentioned that the Council should make an effort to address a little more transparency by getting more people involved in a productive way with FEDC.

Councilor Egan agreed that the Council should have a discussion. There are a lot of new Councilors that do not have the benefit of going through last year's discussions. She suggested tabling the structural issues for another Town Council meeting when it is out of budget season and concentrate on whether we are making the appropriate appropriation for economic development both in the FEDC and the Chamber line items understanding that there may be changes to the structure that the Council recommends in the future but not take it up tonight.

Chair Hendricks asked if Councilors wished to have the structure conversation before the budget decision. Councilor Gleeson noted he would prefer to move the budget forward and not necessarily talk about the structural changes so he noted he would welcome the discussion **after** the budget. Councilor DeGrandpre noted that the Council does not have time for this conversation before putting the budget to bed. He would prefer the discussion **after**. Councilor Sachs would welcome the discussion **before** the budget. Councilor Tracy wants to give the conversation its due but supports deferring the decision until the Council has the time to evaluate it properly (**after**). Councilor Wellen would prefer to have the conversation **before** the budget is finalized so he can attempt to convince folks to not fund FEDC and take the \$105,000 and put it into the Town. The Town can do economic development. He suggested that Councilors read up on what has gone on over the years. He mentioned having a half-hour conversation

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next week to discuss this and give it a try. He mentioned that he has some simple solutions. Councilor Egan would prefer to have the conversation **after**. Chair Hendricks noted that he also would prefer the discussion **after** so the **vote** was (5 afters) (2 before). Mr. McBride noted that FEDC still meets on the third Tuesday of each month.

Chair Hendricks noted that he is not against funding the Chamber but not at \$32,000. He feels there is leeway in their budget. Councilor DeGrandpre pointed out that this line in the budget is funded from the TIF Reserve Account and is not money that the Council can spend just anywhere. He asked that Ms. Yacoben provide an explanation to help the Council understand that better.

Chair Hendricks asked if Councilors wanted to put this Destination TIF conversation off until the 23<sup>rd</sup>. Councilors Egan, Wellen, and Tracy were willing to decide it on the 23<sup>rd</sup>. Councilor Sachs is interested in learning what that \$32,000 is funding. This question also pertains to FEDC. She wants correlation between what she is voting on and the direct result. Councilor Gleeson is willing to put the decision off until the 23<sup>rd</sup>. Councilor Egan requested that staff provide a copy of the Minutes from the last time the Council decided on the Chamber line item. She recalled fairly clearly that the Council was clear that it expected last year to be the final year it would fund the Chamber and that there wouldn't be further funding requested this year. She wants to know what the will of the previous Council was before making a decision.

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ITEM #66-13 To consider action relative to an amendment to Chapter 48: Traffic & Parking Ordinance Article V Section 48-503 (4), intending to allow the exemption of certain non-profit organizations from the 5% administrative fee. **PUBLIC HEARING**

**MOVED AND SECONDED:** That the Public Hearing be opened. (DeGrandpre & Egan) **VOTE:** (7 Ayes)

Chair Hendricks explained the amendment. There were no public comments made.

**MOVED AND SECONDED:** That the Public Hearing be closed. (DeGrandpre & Egan) **VOTE:** (7 Ayes)

**BE IT ORDERED:** That an amendment to Chapter 48: Traffic & Parking Ordinance Article V Section 48-503 (4), intending to allow the exemption of certain non-profit organizations from the 5% administrative fee be approved. (DeGrandpre & Egan)

Chair Hendricks read the new wording into the public record.

**ROLL CALL VOTE:** (7 Ayes)

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ITEM #67-13 To consider action relative to an amendment to Chapter 32: Shellfish Conservation Ordinance Section 32-601 (A) (3) & (5) regarding the age limit for student commercial shellfish licenses. **PUBLIC HEARING**

**MOVED AND SECONDED:** That the Public Hearing be opened. (Sachs & DeGrandpre) **VOTE:** (7 Ayes)

Chad Coffin explained the amendment and noted that if the wording were left at 12 years of age, it would potentially enable them to work with Middle School students. Tom Bennett from the Shellfish Commission noted that they feel the wording should be left the way it is. Discussion followed.

**MOVED AND SECONDED:** That the Public Hearing be closed. (Sachs & DeGrandpre) **VOTE:** (7 Ayes)

**MOVED AND SECONDED:** To amend that any student license holder turning 13 years of age during renewal of the fiscal 2014 license year shall be allowed to renew their license for one year. (Egan & DeGrandpre) **ROLL CALL VOTE:** (7 Ayes)

**BE IT ORDERED:** That an amendment to Chapter 32: Shellfish Conservation Ordinance Section 32-601 (A) (3) & (5) regarding the age limit for student commercial shellfish licenses be approved as amended. (Sachs & DeGrandpre) **ROLL CALL VOTE:** (7 Ayes)

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ITEM #68-13      To consider action relative to approving a liquor license application for Song Zhong d/b/a Amanda Thai located at 147 Main Street. **PUBLIC HEARING**

**MOVED AND SECONDED:** That the Public Hearing be opened. (Tracy & DeGrandpre) **VOTE:** (7 Ayes)

Chair Hendricks noted that this new restaurant is being located in the former Friendly's building. There were no public comments provided.

**MOVED AND SECONDED:** That the Public Hearing be closed. (Tracy & DeGrandpre) **VOTE:** (7 Ayes)

**BE IT ORDERED:** That a liquor license application for Song Zhong d/b/a Amanda Thai located at 147 Main Street be approved. (Tracy & Sachs) **ROLL CALL VOTE:** (7 Ayes)

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ITEM #69-13      To consider action relative to proposed amendments to Chapter 48: Traffic & Parking Ordinance, Article III Section 48-319 pertaining to Parking at Train Platform Parking Lot.

**BE IT ORDERED:** That a Public Hearing be scheduled for April 23, 2013 at 6:30 pm in the Freeport Town Hall Council Chambers to discuss proposed amendments to Chapter 48: Traffic & Parking Ordinance, Article III Section 48-319 pertaining to Parking at Train Platform Parking Lot.

**BE IT FURTHER ORDERED:** That copies be distributed equally between the Town Clerk's Office, the Town Manager's Office and the Freeport Community Library for inspection by citizens during normal business hours and the notice be placed on Freeport's local cable channel 3 and the Town's website. (Wellen & Egan) **ROLL CALL VOTE:** (7 Ayes)

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ITEM #70-13      To consider action relative to approving a supplemental appropriation of \$13,967.69 from the Public Infrastructure Reserve for the Town Hall weatherization project.

**BE IT ORDERED:** That a supplemental appropriation of \$13,967.69 from the Public Infrastructure Reserve for the Town Hall weatherization project be approved. (Egan & Sachs)

Abbe Yacoben provided an explanation.

**ROLL CALL VOTE:** (7 Ayes)

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ITEM #71-13                      To consider action relative to accepting the interim report of the Active Living Task Force.

**BE IT ORDERED:** That the Town Council accepts the interim report of the Active Living Task Force.

**BE IT FURTHER ORDERED:** That the deadline for the Active Living Plan be extended to ~~September 1, 2013~~. February 1, 2014. (Gleeson & Egan)

Anne-Marie Davee shared the report with the Council. She mentioned that more questions have arisen than answers and that she would be requesting an extension to the deadline. She asked Task Force Members, Gretchen Giamaro, Julie Coleman and Barney Baker come up and speak about the Interim report, which they did. Paul Nyhaus of PACTS explained that this initiative is taking place in many communities and he agrees that a professional is needed to pull all the pieces together. He supports what the Task Force is doing. He also answered questions for Councilors.

Jim Tasse, State Director of the Maine Bicycle and Pedestrian Safety Education Program explained that he works closely with MDOT, PACTS and others around the State. He expressed support for Freeport creating an Active Living Plan and explained the benefits of such a plan.

Chair Hendricks asked if the Council needs any more information before making a decision on the 23<sup>rd</sup>. Councilor Tracy advised that she asked for a couple of pieces of information from the committee that she is happy to share. She learned that having a plan like this makes the Town eligible for other grants and she has been provided with a list of grant sources without amounts. She also wanted to know what a handlebar survey is and she was provided with one. She offered to share it with anyone that is interested. Chair Hendricks asked her to forward this information to Mr. Joseph so he can make copies for Councilors. More discussion followed. Mr. Joseph pointed out that the Town Planner is working on some dates for a meeting with he, Ms. Davee and some L.L. Bean community involvement folks.

Councilor DeGrandpre stressed that if the Town moves forward with this project, the education piece is critical. He mentioned that some people do not know what side of the road to walk on.

Ms. Davee advised that September 1, 2013 is not a realistic timeframe. She suggested extending it to 2-01-14. She will return with another interim report.

**MOVED AND SECONDED:** To amend the deadline to February 1, 2014. (Egan & DeGrandpre) **ROLL CALL VOTE:** (7 Ayes)

**ROLL CALL VOTE ON AMENDED ORDER:** (7 Ayes)

Chair Hendricks thanked everyone for his or her time.

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ITEM #72-13    To consider action relative to the Shellfish Habitat Resource Planning Study.

**BE IT ORDERED:** That the Town Manager be authorized to enter into an agreement with Resources Access International, LLC of Brunswick, Maine for a Shellfish Habitat Resource Planning Study in the amount of \$40,000.

Note: The expenditure of a \$20,000 grant and \$20,000 in local matching funds from the Shellfish Habitat Preservation Capital Account were previously approved by the Town

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Council at its December 4, 2012 meeting. Resources Access International, LLC were selected by the Shellfish Conservation Commission through a competitive process. (Sachs & Egan)

Mr. Joseph provided a concise summary. Wayne Hollingworth of Durham Road explained that he supports this study and encouraged the Council to support it as well. Chair Hendricks explained that this would come out of funds from the Capital Budget last year that were already allocated to the clam project. Discussion followed. Mr. Joseph noted that he would make sure that he gets some kind of written confirmation from Darcy of exactly what permits are required and what she will be getting and that there is no responsibility for the Town to get anything additional. Chad Coffin advised that the DMR Commissioner mentioned that it would be helpful for him if the Town Council requested his letter. Mr. Joseph made a note of this. Councilor Tracy would like to know what the history is on what Darcy knows in terms of permitting from both State and Federal and whether it may be required. We could make it clear in that dialogue that we are not necessarily asking her to reach out to Army Corps. The Town may need to take another step before that happens.

**ROLL CALL VOTE:** (7 Ayes)

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**TABLED BUSINESS:**

ITEM #58-13 To consider action relative to the Shellfish Habitat Restoration Project.

**MOVED AND SECONDED:** That ITEM #58-13 be taken from the table. (Wellen & DeGrandpre) **VOTE:** (7 Ayes)

**BE IT ORDERED:** That the Town Council authorizes the expenditure of ~~\$60,500~~ \$65,000 from the Shellfish Habitat Restoration Account, for the purposes described on the attached worksheet "Exhibit A".

**BE IT FURTHER ORDERED:** That the Town Council authorizes the waiver of the competitive bidding requirements for the purchase of ~~\$14,000~~ \$11,000 worth of Ace Crab Traps. (Wellen & DeGrandpre)

Chair Hendricks provided an explanation. As part of this process, the Municipal contact will be the Town Manager and the principle investigator and scientist will be Dr. Brian Beale. He has classes on Tuesday evenings. He noted that if there is sentiment to move forward but before approving the allocation of funds, if it were necessary to have a conversation with Dr. Beale, he would be happy to come down any night but Tuesday. If there are questions that we are not going to be able to answer tonight without having Dr. Beale here, the Council could possibly set up a workshop next Wednesday evening. It would have to take place at the Community Center. If there isn't sentiment to move forward, it would be a moot point to have Dr. Beale drive down.

Mr. Joseph explained to bring Dr. Beale on board, the Town would be contracting with him through the non-profit he is involved in outside of his work. Dr. Beale has seen a copy of this but has not done any work on it. We don't want to move forward by getting him down here attending meetings, reviewing this and providing feedback if we don't intend to have the follow through on it. Mr. Joseph needs to know this before running up a tab with Dr. Beale. Chair Hendricks noted that Dr. Beale wants to know what the parameters are of this project. This is truly a science project. The Town is trying to determine whether or not the old tried and true method of fencing off portions of the clam-flats will have any positive effect on seed, etc. He questions if the Council would be premature in funding this for the entire next fiscal year without actually getting the information from this year. Do we need this entire year of 2013 to collect data



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which ends up being another fiscal year? Mr. Coffin advised that they would not be able to acquire enough data through July of 2013 because of the life cycle of the clams. They start settling in July but one cannot see them until August or September. They will not have complete data until the end of January. Mr. Bennett and Mr. Coffin answered questions for Councilors.

Councilor DeGrandpre pointed out that the amount is shown at \$65,000 whereas he believes it should be \$60,500. Mr. Joseph advised that if it is approved, the Council will need to approve \$65,000 as the number. Discussion followed. Chair Hendricks asked if the Council is comfortable moving this forward tonight or if it would prefer to talk to Dr. Beale next week.

Councilor Gleeson is a supporter of the working waterfront and the marine industry. The Shellfish Commission has a need for this study. He is fine with meeting with Dr. Beale but feels a lot has been accomplished since the last meeting and he does not want to keep putting it off. He is in favor of pushing forward but he is one vote of the entire Council. He would like to meet with Dr. Beale but is not sure it would necessarily change how he votes. Councilor DeGrandpre noted the Council is moving forward with the \$65,000 from last year's work. He is comfortable moving forward with it. The rest will be in the Capital budget discussion on the 23<sup>rd</sup>.

Councilor Sachs is not comfortable moving forward with this project and does not support the allocation of this money at all at this time.

Councilor Tracy would be comfortable talking to Dr. Beale before making a decision. He is a key proponent of this proposal and he indicated that he needs some direction from the Council. It is a lot of money. She is not opposed to spending the money but the Council has a responsibility that the "I"s are dotted and the "T"s are crossed before making a decision about it. She would be in favor of deferring it another week to talk to Dr. Beale before making a decision.

Councilor Wellen is hesitant to spend this kind of money. He would be in favor of supporting a smaller project such as \$20,000 to do one area and see if the science works. He feels it should have been State and Federal money doing the science. Freeport is a small community and it does not have money to do ecological projects. He hopes the green crabs can be brought under control but a local group cannot subsidize economic development. He also doesn't believe the Town should have spent \$200,000 for the theatre over ten years. He would not spend \$60,000.

Councilor Egan noted that the clamming industry is a really important part of Freeport's heritage. She feels the Town needs to invest in economic development and has made it a priority for a long time. The clammers have come to the Council with a compelling issue, that they are losing their livelihood and it will affect 50 families as well as a natural resource. She is strongly in favor of moving forward with this project. She congratulated the Shellfish Commission for taking a "b" project all the way to "z" in a very short timeframe. We now have Dr. Beale signed up as a scientific advisor and is actually the principle investigator to this project. It gives her comfort that the Council will have results that it can understand what the problem is, what the solution is, how we can move forward and what kind of grant opportunities are in the future. She congratulated Mr. Coffin for all the work he has done with others. If possible for next week's discussion, she would appreciate having Dr. Beale and Darcy come together next week to explain how these two studies fit together—what is duplicative and what is complementary and then have a scoping discussion based on that. She is comfortable moving forward and does not need to have the conversation next week. Chair Hendricks mentioned there are four votes to move forward and two no votes. Councilor DeGrandpre pointed out that if the Council is going to move forward, it should be done sooner than later.

**MOVED AND SECONDED:** To change the \$60,500 amount to \$65,000 in the first **BE IT ORDERED** and in the second **BE IT ORDERED** the purchase of Ace Crab Traps be changed from \$14,000 to \$11,000. (DeGrandpre & Gleeson) **ROLL CALL VOTE:** (7 Ayes)

**ROLL CALL VOTE ON AMENDED ORDER:** (5 Ayes) (2 Nays—Sachs & Wellen)

Chair Hendricks noted that he would try to schedule a Council meeting with Dr. Beale and Darcy and the Shellfish Commission hopefully as soon as next week.

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ITEM #59-13                      To consider action relative to the Hunter Road Fields Rules and Policies.

**MOVED AND SECONDED:** That ITEM #59-13 be taken from the table.  
(Tracy & Egan) **VOTE:** (7 AYES)

**BE IT ORDERED:** That the Hunter Road Fields Rules and Policies be approved as recommended by the Hunter Road Fields Advisory Committee on March 7, 2013. (Tracy & Egan)

Kirk Cameron and Walter Libby explained the changes made. They left “Other” the way it was. They didn’t change anything under “Scheduling”. They had a minor discussion on “Noise” but left it as is. Under “Concessions” if an organization sponsoring something at Hunter Roads opted to not use concessions, another community based non-profit could choose to take the opportunity to use the concessions for fund raising. It would be limited to community-based non-profits. They did add that organizations were expected to do trash removal on their own. If they didn’t take care of things, a fee could be imposed at that point in time. Mr. Libby explained that there was committee consensus on the rules and policies.

Chair Hendricks noted he is comfortable with the changes and the Policy as it is right now. Mr. Libby hopes to take the Town’s portable public address system out and experiment with it. Councilor Egan is comfortable with the Policy now since it has been through an extensive committee process and she respects their work. Councilor Wellen recommends several changes to this document because we are creating noise in a quiet neighborhood. He would suggest limiting noise to no more than 15 days per year but noted this is something that could be reviewed again. Under “Other, he would like to keep it for Freeport residents and not promote the big tournaments. He would like to add: “Any group in this category needs to have at least 25% Freeport residents participating.” Under “Noise” he would add, “Loud speakers, sound amplifying equipment, radios and musical instruments are not allowed. Under “Lights” he noted that if we don’t want outdoor lighting, we should say so.

Councilor Tracy is comfortable with the Rules and Policies as drafted. She is not in favor of the amendments Councilor Wellen has proposed. She suggested revisiting this in a year to make sure everyone still feels it is a fair process.

Councilor Sachs noted that the only change she would make is to take out the “Noise”. It is an undue burden on the residents to have that vigilance around this particular issue which probably will only occur once every four years or so. She appreciates the changes made.

Councilor DeGrandpre supports it as it is amended. He is comfortable with what was done with sound. If there is a complaint from anybody, he is willing to bring it to the Council to talk about it. Councilor Gleeson supports the Rules and Policies now. It is a living and breathing document. The loudspeaker issue will be reviewed and permitting one will be a rare event.

**ROLL CALL VOTE:** (5 Ayes) (2 Nays—Wellen & Sachs)

Chair Hendricks thanked Mr. Cameron and Mr. Libby for staying until 12:25.

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**OTHER BUSINESS:**

1. Update on Quiet Zones

Mr. Joseph explained that the Council voted to move forward with the investigation of the designation period and submitting a letter of intent to the railroad. A letter was received from PanAm, which was provided to Councilors stating that they are opposed to it as well as the methodology used to calculate the risk index. They are opposed to Quiet Zones in general and opposed to the traffic counts used in the risk index calculator. He met twice with Senator Gerzofsky and Representative Gideon and through them we received a letter stating that for \$5,000 they would begin the investigation to try to estimate how much we would incur in cost to put a quad gate at Bow Street. Our Legislative delegation met with PanAm engineers and some of their leadership and said they were looking for an informal estimate to try to move this forward. The answer we got was \$200,000-\$800,000 and they have no idea how much it will cost without doing a full engineering study because they do not have any quad gates on their line. This would have to be done by an outside contractor. Our Senator has offered to help us find matching funds should we choose to install SSMs at any of our intersections such as 10/90 or 20/80. This is something to think about.

Mr. Presgraves has contacted MDOT to ask them for an updated traffic count. We are near the top of the list but they won't start the process until May. Mr. Joseph wanted the Council to think if it wants to wait for updated traffic count numbers. He feels it will keep us from being ignored. Mr. Joseph noted that the Council should discuss what it would do at different intersections. The Council talked about three options times 8.

Councilor Gleeson read a note from Ken Brown regarding NNEPRA adding another train. Chair Hendricks asked Councilors if they are comfortable waiting for the traffic counts. There was agreement that we don't have any choice.

Councilor Wellen wanted to be clear that we are not authorizing any money for an engineering study. Chair Hendricks suggested moving this to the next agenda or the one after and decide if we want to move forward with or without an engineering study or if we want to expend money for an engineering study.

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**MOVED AND SECONDED:** To adjourn at 12:35 a.m. (Sachs & Egan)  
**VOTE:** (7 Ayes)

Respectfully submitted,

Sharon Coffin, Council Secretary



**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #08-13**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**TUESDAY, APRIL 23, 2013 - 6:30 P.M.**

|   | <u><b>PRESENT</b></u>    | <u><b>ABSENT</b></u> | <u><b>EXCUSED</b></u> |
|---|--------------------------|----------------------|-----------------------|
| Rich DeGrandpre, 11 Timber Ridge Road   | x                        |                      |                       |
| James Hendricks, 21 West Street         | x                        |                      |                       |
| Kristina Egan, 5 Weston Point Road      | x (arrived at 7:18 p.m.) |                      |                       |
| Melanie Sachs, 84 Kelsey Ridge Road     | x                        |                      |                       |
| Andrew Wellen, 83 Hunter Road           | x                        |                      |                       |
| Scott Gleeson, 23 Park Street           | x                        |                      |                       |
| Sarah Tracy, 75 Lower Flying Point Road | x                        |                      |                       |

Chair Hendricks called the meeting to order at 6:37 p.m. and took the roll. He noted that Councilor Egan would be arriving later.

**FIRST ORDER OF BUSINESS:** Pledge of Allegiance

Everyone stood and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the Minutes of Meeting #07-13 held on April 2, 2013 and to accept the Minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the Minutes of Meeting #07-13 held on April 2, 2013 and to accept the Minutes as printed. (DeGrandpre & Tracy)  
**VOTE:** (6 Ayes) (1 Excused—Egan)

**THIRD ORDER OF BUSINESS:** Announcements

Chair Hendricks announced that:

- The current discussion topics on Freeport Talks are “What do you think about the renovation plan for Freeport High School?”, “If there was a public bus service, would you use it?” If so, where would you want to go? “What would make Freeport more sustainable for future generations?” Residents are encouraged to provide their input by going to [www.FreeportTalks.org](http://www.FreeportTalks.org).
- The Freeport Police Department is participating in the National Drug Take Back Initiative. The program will take place on Saturday, April 27, 2013 from 10 a.m.-2 p.m. Residents can bring used, unwanted or expired medications to the Freeport Public Safety Building for proper disposal. For details on what and how you can dispose of your unwanted medications, you can go to the Town’s website or contact the Police Department at 865-4800.
- On April 25 at 6:30 p.m. Community Night will take place at the Freeport Community Center. There will be community discussion and an opportunity to share your thoughts and ideas. Everyone is welcome. Community Night provides a forum for citizens to express concerns and bring change. Input from the most recent Community Night was the motivation for starting the Tolerance and Respect Project (TARP) which is creating more awareness of bullying and has been responsible for Laptop Evenings for parents, a 9<sup>th</sup> grade community-building retreat at FHS, and a panel on Community Safety. There will be snacks and socializing from 6:30-7 p.m. and Lesa Andreasen will lead the discussion.
- The Freeport American Legion will be hosting its Blue Star Banner Ceremony to recognize families who have loved ones serving in the military. The ceremony will take place on May 9 at 7

p.m. at the Freeport Masonic Lodge. If anyone knows someone who has family serving in the Armed Services, please contact the Legion at 522-2389.

- Thanks were extended to Marlene Budd, Wells Johnson, Ray Hender and Bob Booth for their time and dedication in assisting so many individuals with their income taxes this year. Over 100 individuals were able to have their taxes done by experienced tax preparers for free.
- Councilor Sachs put in a plug for Community Night at FCS this year. Dessert is from 6:30-7 p.m. This is also an opportunity to discuss what is really working well in Freeport. She urged residents to attend this important and viable night.
- Councilor Tracy announced that she is having office hours on the first Friday of each month so in this coming month, it will be May 3 at Bow Street Market from 7:30 a.m.-8:30 a.m. She had her first one last month and there was pretty good attendance. She encouraged District 2 residents or anyone wanting to talk about Town issues to come and say hello. She is also available by phone and e-mail.
- Councilor Tracy noted that the Council would be creating an ad hoc committee to explore how to facilitate Natural Gas expansion to residential customers in Freeport. They are taking expressions of interest now and those could be sent via e-mail to Peter Joseph. Residents from all districts except District 1 have expressed interest and they can certainly take more. They are specifically looking for interested District 1 residents so they can have participation from that District. They are planning an initial meeting and then hope to have a public meeting with Maine Natural Gas representatives and further explore that issue.

**FOURTH ORDER OF BUSINESS:** Information Exchange

Councilor DeGrandpre advised that the Fields Committee will be meeting in the Council Chambers on Thursday morning at 7:30 a.m. and the agenda should be posted by now. He noted that the Municipal Facilities Committee would also be meeting at 9 a.m. on Thursday.

Chair Hendricks noted that he, Councilor Egan and Mr. Joseph met with the RSU5 Finance Director this morning and they have scheduled a Dine and Meet Meeting on May 1 at 5:30 p.m. in the Freeport High School Cafeteria. There will be food and an opportunity for discussion. A Board Meeting for budget review with public comment will begin at 6:30 p.m. This is going to be the final opportunity for the public from Freeport to comment. They will then deliberate on the budget. Chair Hendricks feels the entire Council should be there. If there are any specific comments or questions in regard to their budget, the Council will be able to make them at that time.

Councilor DeGrandpre noted that the School Budget is already out on tan paper. He asked if it could be made available at Town Hall. Mr. Joseph explained that he has 10-12 copies in his office and more can be obtained after they are gone. Chair Hendricks explained that residents looking for a copy of the budget, can go to the RSU5 website and look under the tab that says "Budget", they can have all the copies they need. Chair Hendricks advised that validation of the budget by referendum is scheduled on June 11.

**FIFTH ORDER OF BUSINESS:** Town Manager's Report

Mr. Joseph reported:

The Town's FY 2013 Annual Report is now available. Hard copies are available at Town Hall and a pdf version can be downloaded on the front page of the Town's website. All credit for this great looking

report should go to Caroline Pelletier from the Planning Department, who worked diligently for several months to put the report together.

In order to encourage Freeport residents to dispose of hazardous waste chemicals in a responsible manner, the Town is conducting a pilot program to subsidize the cost of disposal for Household Hazardous Waste (HHW). A HHW coupon is available from the Freeport Recycling Center with a value of up to \$20 towards the cost of disposal at the Riverside Recycling Center in Portland. The HHW coupons will be available to the first 100 residents who request them, with a limit of one coupon per household. Any disposal cost in excess of the \$20 coupon value must be paid by the resident. The resident must take the coupon and HHW to the Riverside Recycling Center at 910 Riverside Street, Portland. The facility is open to Freeport coupon holders on the first Saturday of the month, April through November, from 7 a.m. to 4 p.m. Accepted types of HHW include the following: herbicides, pesticides, pool chemicals, solvents, weed killers and oil-based paint. If anyone has questions regarding whether a specific type of hazardous waste is accepted, they may contact Riverside Recycling Center directly at 797-6200.

Department directors will be available to answer questions from the public on the FY 2014 proposed budget on 5/15/13 from 6-7 p.m. and on 5/16/13 from 7-8 a.m. Both of these public Q&A sessions will take place in the Council Chambers. If anyone has specific questions on departmental budgets for FY 2014, this is an excellent opportunity to have one-on-one contact with the Town's department directors. Also, as a reminder, the public hearing on the budget will be held during the regular Council meeting beginning at 6:30 p.m. on 5/21/13.

Free compost bins will be given to the first 10 Freeport residents—Freeport residents can once again sign up to receive a free compost bin. This offer is intended for residents who have never composted or who have tried and have been unsuccessful. In exchange for the free compost bin, residents must agree to attend a Recycling Committee meeting on October 23, 2013 to share their stories of success and/or challenges with committee members. This is an informal meeting with refreshments provided. Interested residents who would like instruction on how to compost can arrange a time to speak with Suzanne Duplissis, Recycling Center Manager (and Master Gardener) for a free composting lesson. Compost bins will be given away on a first come, first served basis (remember, this offer is for residents who are not already composting). The sign-up form is available on line or at the Recycling Center. Submit the completed form in person at the Recycling Center on Hedgehog Mt. Road or mail it to Recycling Center, Town of Freeport, 30 Main Street, Freeport, ME 04032. Call 865-3740 if you have questions.

We are in the process of migrating our town-wide phone system from traditional office phones to VOIP phone services. Currently most Town facilities are operating two separate phone systems, with the old phones handling all incoming calls, and the VOIP handling all outgoing calls. In the next 3-4 weeks we will port all incoming numbers over to the VOIP system, at which point we will be removing the traditional phone systems. There may be minor service disruptions and glitches as we transfer the systems over the next few weeks, so your patience is much appreciated as we complete this project.

Construction at the Hunter Road Field House is nearing completion. We are tentatively planning to open the facility on or around May 13, 2013. A picture taken on April 18, 2013 was included in the report. The Town is currently soliciting proposals for custodial services for the building. The RFP is available on the Town's website for all interested parties.

**SIXTH ORDER OF BUSINESS:** Public Comment Period – (30 Minutes)  
(Non-Agenda Items Only)

Chair Hendricks declared the Public Comment Period open. He reminded everyone of the 3-Minute Rule and that the microphone should not be touched.

Tom Hudak of 22 Park Street noted his concerns with the railroad situation. He explained the type of crossing guard that is utilized in a 3-way intersection in Waterville that may be less expensive than anything being proposed in Freeport.

Marie Gunning of Telos Road provided some information to the Council that represents a quick review of where we are based on the fiscal year-end 2012 financial statement looking at the Reserve Balances, the Capital Reserve Balances and the Fund Balances for the Town. She noted there is a compelling story here and is something that should be talked about as a Town. She pointed out that at the end of the fiscal year, Freeport has \$9M in Capital Reserve money. She looked at surrounding communities and learned that Yarmouth has \$2M and Falmouth has \$6M. She feels Freeport is highly reserved at \$9M and this figure does not include the million dollars in the Tax Stabilization Account. She feels this is something useful to talk about and why she is bringing it forward. If anyone has any questions, they can feel free to e-mail her.

Wayne Hollingworth of Durham Road explained that he continues to support the clammers and their efforts to save the clam-flats. He referred to an LD and apologized for not having the color to it but noted it is easily researched. The LD is an Act to establish the renewable energy feed-in tariff. He explained that it has something to do with things such as solar energy and being able to use it to generate money. He is only aware of solar panels at the Library. He has a copy of the bill for the Council's perusal.

Carl Groves of Lambert Road explained that he has held a clamming license since 1966 and noted he would like to get rolling on the green crab abatement program because there is a need to get started before they start coming in. They are in the deep water now but as soon as the water warms up, the crabs will be in. There is very little clam seed for future digging and it doesn't look good for clamming in the next few years. He realizes it is going to be a learning process but they would like to get started on it. He would appreciate the Council's support to provide the money to get started with traps, etc.

Wayne Hollingworth of Durham Road noted that this clamming issue is an economic investment for the Town. Other past Councilors have created TIFs for large corporations in Freeport. This kind of thing supports the working people in Freeport and some of them have been working on the flats for generations.

Clint Goodenow, Jr. noted that he would like to speak in favor of the green crab project, too. He would like to move ahead with the project and get some traps in the water along with other things. The crabs in the last two years have definitely gotten worse. He is not sure it is because of the warm winters but they are multiplying very quickly all of a sudden. Two traps were put into the river last Friday and on Saturday the trap closest to the Town Dock was brought up full after only one day. They are already moving in and clammers are starting to see them. He believes the sooner they can get going on this project, the better they will be.

Jason York explained that he is a lobsterman and he has found that the green crabs are eating the lobsters as well. It is not just clamming that is being affected. During the past two years, the green crabs are eating up the lobsters coming in to shed. He has pictures that he offered to e-mail to Councilors and feels something needs to be done about the crabs. When they find them in their traps, they try to stomp on them but he feels a bigger group effort needs to be made.

Tom Hudak explained that he is also a commercial clam digger on the side and serves on the Sewer District Board of Trustees. They have implemented a lot of time and resources in keeping the harbor clean, which has opened up the Harraseeket River, which had been closed for over a decade. Green crabs are really an issue. They are an impact on the environment and the traps are needed to get started.



**MOVED AND SECONDED:** To close the Public Comment Period. (Tracy & DeGrandpre) **VOTE:** (6 Ayes) (1 Excused—Egan)

**SEVENTH ORDER OF BUSINESS:** To take action on the following items of business as read by the Council Chairperson.

ITEM #75-13 To consider action relative to adopting the April 23, 2013 Consent Agenda.

**BE IT ORDERED:** That the April 23, 2013 Consent Agenda be adopted. (Hendricks & DeGrandpre)

Chair Hendricks explained the two items on the Agenda.

**ROLL CALL VOTE:** (6 Ayes) (1 Excused—Egan)

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ITEM #76-13                      To consider action relative to proposed amendments to Chapter 48: Traffic & Parking Ordinance, Article III Section 48-319 pertaining to Parking at Train Platform Parking Lot. **PUBLIC HEARING**

**MOVED AND SECONDED:** That the Public Hearing be opened. (Wellen & DeGrandpre) **VOTE:** (6 Ayes) (1 Excused—Egan)

Gary Profenno, Chair of Traffic and Parking provided some background information.

**MOVED AND SECONDED:** That the Public Hearing be closed. (DeGrandpre & Sachs) **VOTE:** (6 Ayes) (1 Excused—Egan)

**BE IT ORDERED:** That proposed amendments to Chapter 48: Traffic & Parking Ordinance, Article III Section 48-319 pertaining to Parking at Train Platform Parking Lot be approved. (Wellen & DeGrandpre) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—Egan)

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ITEM #77-13                      To consider action relative to revocation of a Victualer's License for Cheer Up, Inc. d/b/a Doherty's Store.

**BE IT ORDERED:** That a Public Hearing be scheduled for May 7, 2013 at 6:30 pm in the Freeport Town Hall Council Chambers to discuss the revocation of a Victualer's License for Cheer Up, Inc. d/b/a Doherty's Store.

**BE IT FURTHER ORDERED:** That copies be distributed equally between the Town Clerk's Office, the Town Manager's Office and the Freeport Community Library for inspection by citizens during normal business hours and the notice be placed on Freeport's local cable channel 3 and the Town's website. (Tracy & Sachs)

Chair Hendricks explained that this came to the Council because the owner had outstanding tax debt and he also has a current State Food License that expired. As of now, the owner has paid his taxes in full and waiting to get a renewal of the State License. Once that State License gets renewed, this will be taken away and there will not be a public hearing. There is a good possibility that this will not return to the Council.

**ROLL CALL VOTE:** (6 Ayes) (1 Excused—Egan)

ITEM #78-13                      To consider action relative to the adoption of the Fiscal Year 2014 Operating, Capital, and TIF Budgets for the Town of Freeport.

**BE IT ORDERED:** That a Public Hearing be scheduled for May 21, 2013 at 6:30 pm in the Freeport Town Hall Council Chambers to discuss the proposed Fiscal Year 2014 Operating, Capital and TIF Budgets for the Town of Freeport.

**BE IT FURTHER ORDERED:** That copies be distributed equally between the Town Clerk's Office, the Town Manager's Office and the Freeport Community Library for inspection by citizens during normal business hours and the notice be placed on Freeport's local cable channel 3 and the Town's website.

**Note: The Town Manager & Finance Director will present the FY 2014 Operating, Capital and TIF Budgets during the "Other Business" section of the agenda, according to the Town Council Rules of Order and Procedure. (Sachs & DeGrandpre)**

Chair Hendricks noted that the schedule would be revised a bit. He asked Councilors to be prepared to discuss at least initially the operating budget on the same night as the public hearing.

**ROLL CALL VOTE:** (6 Ayes) (1 Excused—Egan)

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ITEM #79-13                      To consider action relative to the adoption of a Five Year Capital Program for fiscal years 2013 to 2017.

**BE IT RESOLVED:** That the Five Year Capital Program for fiscal years 2014 to 2018 be adopted as amended. (See Exhibit A attached). (DeGrandpre & Sachs)

Chair Hendricks noted that Exhibit A is in the back of the budget binder. He explained that the Council would go through each article tonight. He also pointed out that answers to specific questions were provided.

**Article I, Police Department** — Chair Hendricks noted that in FY 2014 the Manager proposed \$25,000 to update Mobile Data Terminals. Ms. Yacoben mentioned that the Police Dept. proposed to purchase two new cruisers in the out years. After a discussion with the Chief and the Town Manager, it was decided to put one cruiser in the Operating Budget as normal and in the Capital Program every other year to keep the fleet up to the Chief's standards. Discussion followed. Ms. Yacoben feels this is a reasonable compromise. Councilor DeGrandpre questioned where parking fees go. Ms. Yacoben explained that they sit on the General Fund's balance sheet for the year. At the end of the year the Town gets approximately \$65,000 and \$37,500 is transferred into the Operating Budget to offset the General Fund. The remainder goes into the Traffic and Parking Reserve Fund. Ms. Yacoben feels it is reasonable to consider police cars as capital expenditures but wants to give this more thought.

**Article II, Fire Department** — Councilor Tracy had questions about the Engine 3 Replacement and asked if there is an offset to this expense. Councilor DeGrandpre suggested transferring the old vehicle to Bustin's Island. Councilor Wellen discussed the Engine 3 replacement with Mr. Joseph. He suggested that after the budget season, the Town Manager discuss with the Fire Chief and look at other options such as a \$500,000 truck.

No amendments, FY 2014 is okay as is.

**Article III, Rescue**—Discussion on the Net Fund took place. Chair Hendricks does not want to pinch pennies and risk lives. Councilor Sachs noted that they are working on an inventory matrix for next year for Police and Rescue. No amendments, FY 2014 is okay as is.

**Article IV, Public Works** —Councilor DeGrandpre spent some time with Earl Gibson and suggested welding the wood chipper pin and moving it out several years. We don't need to buy one this year. Replacing the truck chassis is a good idea. Going out to 2015, the forklift is not being used as much so it can be moved out to other years. In 2016 he suggested keeping and reconditioning the sidewalk plow (split with TIF) and buying a second one since we will need a second one. Perhaps take the \$40,000 we were going to spend on a wood chipper and consider buying a second reconditioned sidewalk plow now. He would rely on Mr. Gibson to tell the Council where to place the wood chipper for its next consideration as well as the forklift. Mr. Joseph noted that Mr. Presgraves is pretty much in agreement with Councilor DeGrandpre's suggestions. Ms. Yacoben noted that there aren't any reasons the Council couldn't split the cost with the TIF for the Sidewalk Plow.

Councilor DeGrandpre pointed out that the Town has the opportunity to purchase a 2012 dump truck that is identical to one we have and may be able to save some money. The Council would have to authorize Mr. Gibson to go out to bid. Discussion followed.

**MOVED AND SECONDED:** Take the wood chipper out of FY2014 and move it down to FY 2015. In 2015 take the forklift replacement out and move it down to 2016. In 2014 add in \$27,500 which would be our half of a refurbished sidewalk plow and blower which would be split with the TIF. (Hendricks & DeGrandpre) **ROLL CALL VOTE:** (7 Ayes)

**Article V, Solid Waste/Recycling**—Councilor Egan thanked staff for taking out the \$60,000. She mentioned that we should close the landfill at the time that we need to close it and not earlier because it would cost the Town additional money. She is happy to learn that the water quality in the area is adequate.

No amendments, FY 2014 is okay as is.

#### **Article VI, Comprehensive Town Improvements**

A discussion on paving accounts followed. Councilor DeGrandpre feels shoulders need to be added on Wardtown Road and Griffin Road. The estimate for paving the Wardtown Road shoulders is \$300,000. He noted that impact fees promote public safety. He would like to have a conversation on funding to add paved shoulders to roads and connecting trails. Discussion followed. There was no desire to increase the amount at this time.

Councilor Egan referred to #2 under FY2015 and suggested reducing the \$121,000 to \$68,000 for the Pownal Road Fields Stormwater and Parking Lot Improvements because of all the priorities the Council has, she is not sure this is the highest. Councilor Wellen agreed with her but after discussion, there was no agreement to reduce the number.

Councilor Wellen feels the cost of the Active Living Project is too costly and he suggested deleting it at this time. There was no agreement with Councilor Wellen to delete it. There was consensus to move forward with it.

No amendments, FY 2014 is okay as is.

## **Article VII, Municipal Facilities**

Chair Hendricks reviewed the items proposed. Councilor Sachs pointed out that at the last discussion the amount budgeted for the Pine Street Vault Roof was reduced from \$28,000 to \$18,000 and Chair Hendricks agreed. Mr. Joseph indicated that an amendment was not necessary for this item. Councilor Gleeson pointed out that the Train Platform Video Camera was put off at the last discussion and he suggested moving it to 2015 for discussion. Ms. Yacoben mentioned that the signage would cost approximately \$2,500-\$3,000 and could be moved to the Operating Budget. Councilor Wellen suggested deleting the Video Camera and not putting it off to another year. There was agreement with Councilor Wellen to delete it. Councilor Tracy proposed reducing the \$40,000 Town-wide Computer Upgrade to \$21,000. In her discussions with Ms. Yacoben it did not appear to be an emergency situation.

Beth Edmonds, Library Director explained the Library Expansion Plan in the proposed budget and the need for small meeting spaces. Library usage has changed. No preliminary work has been done and a recent estimate has not been received. Back in 2010 it was estimated the expansion would cost approximately \$300,000. She asked the Council to give this some thought. She advised that reconstruction of the Wall at the Library Entryway could be removed from FY 2015. Councilor Sachs requested data about meetings that had to be turned away, requests for space, etc. Councilor Tracy asked if there are existing spaces in the adult meeting room that could be cordoned off as small work spaces and don't require a bump out. She asked if there is some hybrid of existing space that is used a little less to get some of that functionality in small meeting space or small rooms. She encouraged Ms. Edmonds, if possible, to get updated numbers about what it would be so no one will be surprised if it is changed. Ms. Edmonds offered to give it more thought.

Councilor Wellen suggested moving the Library Expansion out and Councilor DeGrandpre suggested pushing it out to 2016. Councilor Gleeson pointed out the high-ticketed items coming up in 2016. Ms. Edmonds agreed that it could be pushed out to 2017 and will come back with pertinent information.

Councilor Wellen suggested deleting the Train Station Plastic Panels. Councilor Egan agreed. There is a waiting room and this appears to be a luxury. Councilor Tracy also agreed. Councilor Tracy recommended increasing the Computer Upgrades Town wide to \$40,000.

**MOVED AND SECONDED:** Under FY 2014 reduce the \$40,000 Computer Upgrade Town wide to \$21,000, note the correction of the Pine Street Vault Roof from \$28,000 to \$18,000 and delete the Video Cameras and Signage at the Train Platform in the amount of \$30,000. For FY 2014 the total amount will be \$84,000, down from \$141,000.

Under FY 2015, increase the Computer Upgrades Town wide from \$21,000 to \$40,000, delete the Reconstruction of the Library Entryway Wall for \$17,000, move the \$300,000 Library Expansion to FY 2017 and delete the Train Station Plastic Panels for \$17,000. For FY 2015 the total amount will be \$162,500, down from \$485,500. (Egan & Sachs)

**ROLL CALL VOTE:** (7 Ayes)

## **Article VIII, Cable**

Chair Hendricks reviewed the proposed items. Councilor Tracy advised that she had raised the issue of \$4,000 for the educational channel and inquired why this was not in the RSU5 budget. She learned that it comes out of the Cable Franchise Fee and one of the communities in the RSU5 does not get that channel at all.

No amendments, FY 2014 is okay as is.

## **Article IX, Boards, Committees, Community Groups and Other Requests**

Chair Hendricks noted he is not in favor of \$30,000 for the Historical Society Archiving Project this year. He would prefer to move it out a year. Councilor Gleeson would prefer to move it to 2015 but does not want to see it deleted. Councilor Tracy would support moving it but would feel more encouraged if other sources of funding could be tapped initially. If there is no funding initially, they can come back. She would like this information when it comes up again. Councilor Wellen recommends deleting it. This is just one project for them and they will still survive. Councilor Egan supports moving it and not deleting it. It would be helpful to have more information on the benefits of this project if it comes back. Councilor DeGrandpre agrees that archiving the information is important and would support moving it a year.

**MOVED AND SECONDED:** That we move the Historical Society Archiving Project from FY 2014 to FY 2015. (Sachs & Egan) **ROLL CALL VOTE:** (6 Ayes) (1 Nay—Wellen)

Chair Hendricks brought up the Shellfish Commission Habitat Improvement project and pointed out that the Council has Dr. Beale's revised plan of work as well as the budget from this coming fiscal year. He suggested beginning with the current fiscal year that we are in now. We did approve \$65,000 for that project. There were some questions and changes that were wanted to be made by Dr. Beale, Shellfish Commission members and representatives from the Maine Clammers Association. The Town Manager is looking for Council direction as far as whether or not we can start expending some of the \$65,000 allocated as far as moving forward with the April 20, 2013-July 1, 2013 part of the project. After that discussion the Council can get into Council sentiment as far as funding going forward for 2013/2014 budget.

Mr. Joseph explained that after a workshop he had a draft and information from Walter Coffin. The Town Engineer is drafting up some information today to put with this for the Army Corps Permit that has to be submitted on Thursday of this week for Dr. Beale's revised scope of work, which the Council has. A 30-day approval would be wonderful. The Council has already talked about approving the money two times now but this is all tied together. We need to start purchasing equipment and the longer we wait; it will set the project back. If the Council talks about not funding next year after the July 1 work, we are limited to the number of dollars that we have here and we need to spend that in a different fashion. If the Council talks about fully funding next year's work, that changes the picture but we will still have to move quickly. He doesn't want to go ahead and do something that is not able to be undone if the Council makes a decision that is different than what we are looking at right here. We are looking at \$66,700 for 2014.

Mr. Joseph explained that the hybrid plan was developed at the Council's request at the last workshop. Darcy was in the room while we talked to Dr. Beale by phone last week and we talked about Darcy being able to spend a large amount of her grant money to do work on this project to cover some of the labor. The total scope of her project is \$40,000 if we are talking about grant dollars in terms of labor costs. The fencing part of her original proposal would be eliminated so as not to duplicate Dr. Beale's work. Mr. Joseph noted that the Council could possibly see some decrease in labor costs depending upon the amount of volunteer support. If there is some success, there may be people lining up to help with this project. There are so many unknowns at this point. It is difficult to find volunteers to do the scientific end of data collection.

Councilor Wellen doesn't feel he can comprehend this information this evening and make a rational decision on whether this project makes sense or not. He asked if the Council decides to not fund any more money than the \$65,000, which has already been funded, could the project stand alone. Mr. Joseph suspects it would have to be significantly reduced in scope. The money already approved can be used next year since it is a non-lapsing appropriation but it would mean doing half as much work this year and half as much next year. The timeframe of the project goes until December/January of next year. The original

proposal was for \$100,000 but it has been honed down to where we are right now. More discussion followed. Chad Coffin answered Council questions. Councilor DeGrandpre pointed out that the Council would be learning what worked and what might have worked better this year. The Council would be making decisions based upon the final report delivered at the end of January.

Tom Bennett from the Shellfish Commission assured the Council that there is stakeholder buy-in from the clambers and lobstermen. The green crabs are being pulled up at Green Nubs already. There are 65 clam licenses in effect and he is confident that 75% of them will step up for this project. The leadership of the Commission is ready to pitch in. The Commission will be discussing this proposal on Thursday here in the Council Chambers and will eventually be taking over the project.

Chair Hendricks asked if the Council is comfortable telling the Town Manager to start purchasing materials out of that \$65,000 appropriated and start moving the project forward or is there a need for another workshop to discuss next year.

Councilor Tracy worries about the permitting side of this project. It would be a bummer to go out and purchase the traps and fencing and learn that we can't get the permit. Mr. Joseph noted that we could trap anyway for attrition of crabs out in the river and kill as many as possible without the fencing project. He is confident that we can move forward with the trapping even if the rest of the project fails but he is confident it will not. He has been a little reluctant in purchasing the fencing without getting anything back from the Army Corps of Engineers. We don't have to pay a DMR fee for trapping. They have been out there in the past year. We can basically run our own trapping program. More discussion followed.

Councilor Egan noted that the Council wants to move forward and wanted a hybrid plan defined for us at the last workshop. She is looking at the plan for the first time tonight and is not comfortable making a decision tonight without doing due diligence. She advocates having a meeting really soon to make sure everyone has an opportunity to read this and understand how these projects and budgets intersect. There was agreement to schedule another workshop possibly next Tuesday and wait on any appropriation.

Councilor DeGrandpre noted he is prepared to start buying materials now for the first fiscal year. Dr. Beale and Darcy are willing to find a way to work together and he has no problem leaving the \$71,000 in for next year. Councilor Gleeson agreed with Councilor DeGrandpre. He is convinced that the hybrid approach will get other communities involved. Another meeting will not make it any easier. It is important to get a buy-in from the shellfish people and he wants to get the project itself going this year. Councilor Wellen noted the Council needs to give them seed money to do an experiment and then they should look for State or Federal money. He would not fund 2014 at all but will defer to everybody else if we move forward with the 2013 money.

Councilor Sachs noted that she voted against the \$65,000 and would prefer to not expend anything but is willing to have another workshop to get more answers for a solid plan. Her idea of a hybrid is different than what is shown in this plan.

Mr. Joseph pointed out that if the Council does not vote to approve the \$66,700 in the Capital Program, it changes the whole scope of what the already approved money is. The most important decision is what this \$66,700 ends up looking like. If it is not approved in the Capital Program, it will come out of the Capital budget unless someone wants to make an extra discussion to put it back in. If the Council says it is not funding this next year, it totally changes what the scope of the money will be used for. It would be wasteful to go and buy double the amount of traps, fencing, etc. on the assumption there will be money next year for it.

Councilor DeGrandpre pointed out that both of these amounts are "up to". He supports going forward and leaving the \$66,700 in for next year. Chair Hendricks clarified that last year's Council approved \$100,000

for last year and \$100,000 for this year so if you do the math we are at \$120,000 for two years but this Council is not held to those decisions made by other Councils.

Councilor Gleeson agreed with Councilor DeGrandpre to get something moving on the traps. He feels there is plenty of room in workshops to hone little things like the boat upgrade. He is big on the science aspect because he feels it is a way to get other communities involved and get Freeport eventually away from this financially. He understands the shell fishermen are really interested in prevention. The Council has had conference calls with scientists and the Council has been batting it around for a while and another meeting may not make it any easier. If this 2014 vote will hinge on whether the project falls apart or not, his clear choice is to support the \$66,700 as proposed. Councilor Sachs explained that her vote is a protest vote about process as opposed to the end result. Councilor Wellen supports deleting the \$66,700.

Councilor Egan has been a proponent of preserving our clam-flats but she is so uncomfortable getting information and being asked to vote on it while it is being passed out. It doesn't feel responsible to not thoroughly understand it and be able to talk it through. Her two concerns are that there needs to be good scientific oversight and Dr. Beale has agreed to be responsible for all aspects of the project and this means he is the project manager. This sits well with her. The second concern was whether the Shellfish Commission is going to oversee it and it appears the Shellfish Commission is going to oversee it so that is great. Her thought coming out of the workshop was there was some sort of hybrid where the Council could take Darcy's methodology from the RAI Study and apply it to a larger scale. It appears that this is what this plan does but she is finding it difficult to listen while she is reading. She can see that RAI is listed in this plan. As the Council comes out of this process, she wants to be sure it has really good data from RAI and Dr. Beale so the Council knows what works. She wants the Council to set itself up for long-term investment in addressing whatever the issues are with the clam population—green crabs, acidification, warming of water, etc. and she feels Darcy's Study will answer that and Dr. Beale's Study will build on that. She would prefer to have time to digest this information before voting on it.

Councilor Tracy noted she is feeling comfortable about the first part of the plan. The previous Council decided that they wanted to allocate the \$65,000 and this Council decided to affirm that at a prior meeting this season. At some point the Council has to say, "all right—you have to get going." She is comfortable that there can be some expenditures that could start so we don't lose this season. She is uncomfortable about the fluctuating nature of the project. She understands that everyone has been doing really good work to try to modify it and meet everyone's needs. She remains supportive of the hybrid project but is uncomfortable looking at the budget handed out tonight and hearing that Darcy is able to transfer some of her funds to cover some of the activities but the budget is exactly the same that it was two weeks ago and does not reflect the efficiencies we may be able to gain by combining some of this. She is not comfortable voting on the extra expenditure because she doesn't feel it has been honed enough. She understands the need to get going. She is willing to say go ahead with the trapping but maybe it isn't all 160 traps because if this Council doesn't vote to appropriate the extra \$66,700 or if it gets changed in further discussion, then maybe 160 traps are overkill and there needs to be some re-scoping. With respect to the fencing, she is unclear if there are concerns or not but she would want more formal information from Army Corps. even an e-mail saying we are okay with it. It doesn't take as long to get moving as the crab traps. She agrees with Councilor Egan that the Council needs a little more work on this. The budget for the second part of the project does not appear to be accurate since it looks like cuts can be made. It doesn't appear to be the same standard that the Council is applying to other projects. She would allow a subset of the \$65,000 to get going now. She supports an economic piece in addition to the RAI Study.

Chair Hendricks noted he would agree with Councilor DeGrandpre and Councilor Gleeson to move forward with the \$65,000 and also with the \$66,700 for next year. We are not going to expend \$66,000 on July 1. That money will be expended as the project goes all the way through December and into the spring. The Council will have some scientific data from Darcy and Dr. Beale by the end of the year. If that scientific data does not support what we have done by the end of the year, the Town Manager can suspend the spending on that project. As for sentiment, there appears to be 3 yes votes, 2 no votes and 2

that want more information. Tuesday night would be the first time Chair Hendricks is available for a workshop to discuss 2014 alone and come to a consensus whether we are going to fund it. He does not want to micro manage what the two scientists are doing. He is confident they will have sound data collection.

Mr. Joseph pointed out that right now the Council is voting on the plan and how to spend the money. Not just this next year but also over five years and that plan can change. It is fluid. Discussion followed on having another meeting. There was agreement to leave the \$71,000 appropriation in for 2014 and hold a one-item workshop perhaps next Tuesday to discuss it.

Councilor Tracy noted that she would like to have phone conversations with the two scientists to talk about how the project is structured. She would like to see a reconfigured budget. Councilor Egan suggested that questions be prepared for the two scientists and they can then provide written answers. Her question is if this is scaleable. How can it be scaled back? Chair Hendricks suggested that Councilors send their questions by e-mail in the next couple of days to Mr. Joseph and he can forward them on to the scientists and they can provide written replies. Mr. Joseph explained that Dr. Beale teaches a class from 6-8 p.m. on Tuesday evenings. Chair Hendricks suggested starting Tuesday's meeting later than usual. He noted that the Council will take a procedural vote as to how we want to move forward in FY 2014 but it won't become official until the Council makes an official vote on the Capital Budget and Operating Budget for the fiscal year.

**Destination TIF Village Improvements**—Chair Hendricks reviewed the items proposed in FY 2014-2018.

Ms. Yacoben explained that the \$41,000 for Downtown Maintenance is the contract with Mr. Walbow to keep the downtown clean, etc. This is not a new contract. She noted that the Council needs to also include the sidewalk plow discussed earlier to be shared with the Public Works Reserve for \$27,500.

Councilor Wellen noted that he feels the Town should not fund the Chamber. We have a strong business community and they should be able to fund themselves. He explained that FEDC is a private non-profit that looks out for business interests and not necessarily the community's interests. He recommends keeping the \$105,000 and not funding FEDC at all and taking three months to decide how the Town can do economic development. The Planning Department can take over that function in the meantime. Councilor Tracy supports the funding for FEDC but feels there should be a discussion on how it should be structured. It cannot be solved this evening but she feels it needs some serious discussion. Their main function is to attract new businesses and expand existing businesses and whether it is inside or outside of the Town, she feels the Council needs to appropriate money for it. She would strongly encourage that there be some reporting on what is being done with the money. Some of it is salary but residents have the right to know what menu of services is provided by FEDC. She recommends quarterly reporting and annual reporting of what has been done with the money so there is accountability for the spending since they get all their money from the Town. She is not comfortable cutting it this year because the purpose is a good one. With respect to the Chamber, at some point the Council needs to decrease the funding. She may be in favor of splitting the baby a bit. She would support funding the salaries and the marketing expenses, which add up to \$16,200.

Chair Hendricks is comfortable funding FEDC at \$105,000 and would be open to having discussion on Board structure and accountability. He agrees with Councilor Tracy that the Chamber can make some tough decisions on its professional fees. He proposed funding the Chamber \$16,000 this year, \$8,000 in 2015, \$4,000 in 2016 and by 2017 the Chamber should be completely off the Town dollar.

Councilor DeGrandpre noted that FEDC is a private non-profit and requires discussion. He is willing to support them for another year and try to figure out how to make it work better for them and the



community. He mentioned that the Council had hoped that the Chamber would be self-sustaining by now. He would agree to provide \$16,000 this year and then the Town should become a member in good standing and contribute some kind of support like \$500 or \$1,000.

Councilor Egan noted that the Town needs economic development and she supports the full \$105,000 for FEDC. Regarding the Chamber, she would support a lower appropriation, somewhere around \$10,000. In these tight fiscal times, this is something that needs to be cut. Funding a Chamber is unusual for a Town. She agrees that the Town should always be a member and pay its top membership fee. She recommends \$10,000 this year but next year the Town should just become members and the Chamber should be self-sustaining. Councilor Sachs agreed with Councilor Egan. She disclosed that her husband is a member of the FEDC Board and she is open to having a discussion on accountability but she is perfectly comfortable with the way it is structured now and comfortable talking about other pieces of it. As for the Chamber, the Town has already put in \$100,000 for seed money for them. She would be willing to provide \$10,000 this year but would be willing to provide \$16,000 if it is the will of the Council, and then just become a member.

Councilor Gleeson noted he is willing to provide \$16,000 for the Chamber this year. As for FEDC, there is a transparency issue and he likes Councilor Tracy's idea to try to get more transparency. He is not in favor of any modification to FEDC right now. In the past he has been at the other side of FEDC that he has questioned and he has discussed this with Mr. McBride.

Stephanie Helms of Lunt Road provided a copy of the Vision 2025 Draft dated March of 2003 and mentioned that Mr. McBride provided a copy to the Save Our Neighborhoods Coalition and asked for comments. She read some excerpts into the public record and gave it to the Council Secretary so it could be copied and distributed to Council members so they can see where their money has gone.

Keith McBride of FEDC explained that he is disappointed that Vision 2025 has come up in this fashion. The draft Ms. Helms referred to has been revised several times and he thanked her for pointing out some of the statements. Everybody will get his or her invitation to come to a public presentation of the plan when it is completed. He would love to have a discussion on structuring FEDC and the Board is looking forward to it. He plans to bring data to the Council, which will add transparency. He is busy working with businesses contemplating a move to Freeport.

Councilor Tracy noted she feels it is fair to give the Chamber a benchmark for future funding. She suggested \$16,000, \$8,000 and \$4,000. Councilor DeGrandpre noted he could support this. He asked about the \$85,000 for FEDC in 2015. Mr. McBride explained that this is a historic figure. This year the amount reflects what their operating budget shows on spending. He hasn't had a chance to look at next year's budget. Chair Hendricks suggested leaving the amount at \$85,000 for 2015.

Sande Updegraph thanked the Council for their continued support. They really want to represent the business community and are moving in that direction. Chair Hendricks suggested going from \$16,000, \$8,000 and then \$1,000 for Chamber support. Councilor Tracy supported this. Councilor Sachs noted that she would prefer to go from \$16,000 to \$1,000 but will not push back.

**MOVED AND SECONDED:** To amend the Destination TIF Village Improvements Budget for FY 2014 to reduce the first item for Chamber of Commerce from \$32,000 to \$16,000; to add the Sidewalk Snowplow TIF portion of \$27,500, to note the change on #3 Downtown Maintenance from \$35,000 to \$41,000; to add to FY 2015 a Chamber of Commerce line item of \$8,000; to add to FY 2016, 2017 and 2018 a Chamber Membership of \$1,000 for each year. (Egan & DeGrandpre) **ROLL CALL VOTE:** (6 Ayes) (1 Nay—Wellen)

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ITEM #80-13                      To consider action relative to a request from the Freeport Historical Society to allow them to administer their own parking lease agreements and to waive the 5% administrative fee currently collected by the Town.

**BE IT ORDERED:** That the request from the Freeport Historical Society to allow them to administer their own parking lease agreements and to waive the 5% administrative fee currently collected by the Town be approved. (Gleeson & Egan)

Chair Hendricks noted that considerable discussion has already taken place on this item.

**ROLL CALL VOTE:** (7 Ayes)

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ITEM #81-13                      To consider action relative to a Request for Use of Town Property application submitted by the Coastal Humane Society for the purpose of holding a 5K fundraising run along Bow Street, Lower Mast Landing, and South Street, with a start and finish booth at the Bow Street Park on August 24, 2013.

**BE IT ORDERED:** That the application for a Request for Use of Town Property submitted by the Coastal Humane Society for the purpose of holding a 5K fundraising run along Bow Street, Lower Mast Landing, and South Street, with a start and finish booth at the Bow Street Park on August 24, 2013 be approved. (Egan & DeGrandpre)

Mr. Joseph noted that they did not request a waiver for the Police costs. We are only letting them use the park. The Hilton Garden Inn is providing restrooms.

**ROLL CALL VOTE:** (7 Ayes)

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**OTHER BUSINESS:**

1. FY 2014 Operating, Capital & TIF Budget Presentation

Having already seen this information, Chair Hendricks wanted to give a big pat on the back to Mr. Joseph and Ms. Yacoben, Finance Director. Ms. Yacoben went through the binders and explained the tabs for Councilors. Mr. Joseph explained what the Benchmark Study from Scarborough is which includes 12 towns in the region and shows tax rates, appropriations, fund balance, etc.

Ms. Yacoben explained how difficult it was to prepare this budget because of the State situation and is assuming that these revenues will not be cut. Mr. Joseph has asked department heads to hold the line, no increases unless it is an emergency. If the \$859,000 is cut by the State, it will mean a quick visit to the Council.

Ms. Yacoben explained on the local level, two new programs became fully operational this year. One is the Train Station and the net impact to the General Fund Budget will be \$43,150 plus the \$3,000 for signs that we have cut out of the Capital, which was not added in because Ms. Yacoben didn't know about it. The other is the Hunter Road Fields Recreational Facility. The budget is \$102,450. Offsetting funds in recreation maintenance, which will be transferred into the General Fund for the first year, will be \$34,000. The net impact to the General Fund is \$68,450.

On the positive, the Town retired two debt service issues totaling \$173,000 in principle which is really great. This year's staff was directed to hold the line on budgets and make cuts wherever possible to

minimize the tax rate impact. Examples of items that were cut include Mind Mixer, Website Maintenance was reduced by \$17,940, the Port Teen Center is being funded at \$2,500, tables for the elections were cut in half to \$500 and police cruisers are not being purchased this year.

On May 7 there will be an Operating Budget Workshop with department heads. On May 15 and 16 there will be an informal meeting with department heads and residents. On May 21 there will be a public hearing on the budget. The budget will be adopted on June 4.

Chair Hendricks noted that Ms. Yacoben's door is always open for discussion but suggested that councilors go through Mr. Joseph first. They are always willing to help. He cautioned about having conversations while having breakfast out because this is a small town.

Mr. Joseph noted that we are looking at a budget increase on the Municipal portion. We are talking about five cents on the tax rate, which is a 1.4% increase on the Municipal mil rate. He is proud of what staff has accomplished this year. He is required under the Charter, to come to the Council if he believes there will be a revenue shortfall with a contingency plan on what to do with that revenue shortfall. This could occur four weeks after the Town has adopted its budget.

**MOVED AND SECONDED:** To adjourn at 12:06 a.m. (Egan & Gleeson)  
**VOTE:** (7 Ayes)

Respectfully submitted,

Sharon Coffin, Council Secretary

**MINUTES**  
**FREEPORT TOWN COUNCIL SPECIAL MEETING #09-13**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**THURSDAY, MAY 2, 2013 - 6:30 P.M.**

|   | <u><b>PRESENT</b></u> | <u><b>ABSENT</b></u> | <u><b>EXCUSED</b></u> |
|---|-----------------------|----------------------|-----------------------|
| Rich DeGrandpre, 11 Timber Ridge Road   | x                     |                      |                       |
| James Hendricks, 21 West Street         | x                     |                      |                       |
| Kristina Egan, 5 Weston Point Road      | x                     |                      |                       |
| Melanie Sachs, 84 Kelsey Ridge Road     | x                     |                      |                       |
| Andrew Wellen, 83 Hunter Road           | x                     |                      |                       |
| Scott Gleeson, 23 Park Street           | x                     |                      |                       |
| Sarah Tracy, 75 Lower Flying Point Road | x                     |                      |                       |

Chair Hendricks called the meeting to order at 6:37 p.m. and took the roll.

**FIRST ORDER OF BUSINESS:** Pledge of Allegiance

Everyone stood and recited the pledge.

**SECOND ORDER OF BUSINESS:** Minutes - None

**THIRD ORDER OF BUSINESS:** Announcements

Councilor Sachs explained that she has office hours on Monday from 8 a.m.-10 a.m. at Bow Street Market. Councilor Tracy pointed out that she will have office hours tomorrow morning from 7:30 a.m.-8:30 a.m. at Bow Street Market. If residents cannot find her there, she can be reached on her cell phone or e-mail and both are on the Town's website. Councilor Egan advised that she has office hours on Tuesday mornings from 8:15 a.m.-10 a.m. at Bow Street Market. Councilor DeGrandpre noted he doesn't have office hours but he can be found at Sunrise Café most mornings and lunch times.

Councilor Tracy announced that the Council is putting together an ad-hoc committee to explore the expansion of Natural Gas in Freeport for residential customers. They have volunteer representatives from every district except District I and if someone from District I has an interest, they would love to hear from them. If anyone has an interest in serving on this committee from one of the districts that we already have volunteers, they would love to have you come forward anyway. They will be having public meetings as they move forward that will be informational and the public will be updated on how that goes. Anyone with an interest to serve on the committee should e-mail [pjoseph@freeportmaine.com](mailto:pjoseph@freeportmaine.com).

**FOURTH ORDER OF BUSINESS:** Information Exchange

Councilor DeGrandpre pointed out that Municipal Facilities would be meeting at 9 a.m. on May 30 here in Council Chambers.

**FIFTH ORDER OF BUSINESS:** Town Manager's Report

Mr. Joseph noted he does not have a formal report since the regular Council meeting is coming up next Tuesday. He announced that the calendar page on the Town's website is experiencing problems uploading back-up materials for next Tuesday's agenda. They will be working on it tomorrow but were unable to fix it today. Anyone looking for that material, there will be a Council meeting that will happen next Tuesday. The agenda is posted here in Town Hall and they will get it up on the website with all the accompanying materials as soon as possible. If anyone is looking for it tonight, this is why it is not available.

**SIXTH ORDER OF BUSINESS:** Public Comment Period

Chair Hendricks noted that this is the time for public comments on the Shellfish Habitat Restoration Program because once deliberations begin with the Shellfish Commission and Scientists; no public comments will be accepted. He reminded everyone to state their name, where they are from and to adhere to the 3-minute rule. He cautioned that everyone should be on his or her best behavior this evening. Conversations should be above board and civil and nothing should get out of hand. He plans to move forward and would prefer to not use his gavel to have someone removed from the room. He declared the Public Comment Period open.

Matt Morrison from 208 Main Street is a part-time recreational digger and has a commercial license. He mentioned that there is a group of people here tonight that are rightfully frustrated. He works with Linda Bean as her assistant and he also works with the lobster industry. He asked clambers in the audience to stand (which they did) and noted that this is a hard-working group that are no different than the fellow that digs worms, lobsters, clams or cuts timber. We are losing sight that this is what we are all about. He asked the Council to give this group their full attention. He ships their lobsters to Delray Beach from S & S Seafood and this person also buys clams. He sees importance in buying local and they buy a gang of them at Linda Bean's and ship them all over the country. It's a great product from the ocean and these people just need the right to go and dig them up and make a living. It's our tradition and it should be respected. We have great things in Freeport and he would hate to think that Linda Bean wouldn't be able to offer their clams in her restaurant.

Joe Migliaccio of South Freeport Road explained that he is a former clammer. He dug while he was in high school and college. He sold clams as a way to pay for gas money back and forth to school. He is a scientist and biologist and works a lot in the aquaculture industry. He is an advocate for the plan but plans to keep his comments limited to the science and then the practical business applications of this. He has been involved with Dr. Beale and feels he does quality work and is a respected publisher and researcher in the industry. On the deliverables, he suggested adding as an outcome to the plan, specifically an output that is a document that is available for submission to scientific journals for peer review. If this is said at the beginning, data can be collected and Dr. Beale can be thinking throughout the project on how we need to do stuff. Peer review will be extremely important if you think this is a model for what the State of Maine can do as well as other parts of the North Atlantic. He would also add some type of grading or at least capturing of process that talks about the practicality grading of each potential solution individually and then as units. These things will help us get a good result going forward.

Mr. Joseph brought Dr. Beale on line by phone.

Nora Healy, Vice Chair of the Shellfish Commission, noted that this is an important project to a lot of people that depend on this resource for their livelihood. This is a natural resource that Freeport has some responsibility for. When the Shellfish Commission was established years ago, responsibility for management of this resource was delegated to Freeport to some extent and we need to keep this in mind and she is not sure this is a point that has been appreciated until now. She offered to answer questions for Councilors later.

Tom Bennett, II advised that he has lived in Freeport for 35 years. He got his commercial shellfish license when he was 11 years old. He chose this as his job and mentioned the benefits of it and that 60 people in Freeport are looking for this plan to go forward. It has been delayed too long. These green crabs are eating them out of house and home. He has a family to feed from this resource. He noted that they make this town a lot of money. If the green crabs eat them out and they lose their jobs, he can't come to Councilor DeGrandpre's shop to get his truck fixed, can't go to someone's restaurant to eat dinner and

can't buy things at Bow Street Market. He will be at the Community Center looking for handouts. They are trying to control this project and no one will know unless they try. They need to go forward now!

Michelle Noel, resident, introduced her daughter Piper and stated that the green crabs are eating up the clam, lobster and oyster populations. The increase in green crabs is the result of global warming and they are coming in overnight. The fishermen are willing to spend their time and effort to get these crabs out of the water. She explained all of the good things the Maine Clammers do in the State of Maine. She noted that this plan is an investment for now and for the future. She mentioned that Cape Cod has mandated doing this, which is resulting in a steady increase in shellfish harvesting. She explained what would happen to families that lose their jobs and how important this project is.

Clint Goodenow mentioned being here last week and a discussion took place on buy-in and getting volunteers to get the work done. The people here tonight are examples of buy-in and they are willing to get dirty and get going so perhaps we can move forward with the project. He asked the Council for their support.

Del Arris explained that no one really likes to ask for help but clammers invest quite a bit in Freeport on a daily basis. He hopes Freeport will invest in them because they have an obligation to save the flats, not just for them but for the next generation coming up.

Tom Hudak of Park Street explained that he is a part-time digger and also works for the School system. He parallels green crabs with a carpenter ant infestation that one could find in their own homes. People would not let them ride; they would get an exterminator and take care of the problem. These green crabs are multiplying by thousands every month. While it is a good idea to look for State funding, Freeport should consider this harbor as our own. It is used for many purposes—recreation, school usage, enjoyment and commercial. He recalled the stereotyping of diggers back in 1972 and how it has changed. Some of the current diggers have college degrees, some are working toward a degree and others are working with the State Legislature and doing a great job. The Harraseeket River has been cleaned up after being closed for so many years. There is no need for depuration companies to come and take away our clams. He asked the Council to make this project complete. While it appears to be a lot of money, he asked the Council to please provide the necessary funds and better the environment.

Mike Harriman explained that he is a part-time digger. This budgeted amount of money appears minor to him. His family is huge. There are four that dig and his mother shucks clams to supplement her Social Security. He has a challenged brother that shucks clams as well as a sister and brother-in-law that supplement their incomes. He is a single dad putting two girls through college without State aid. He clammed and put himself through college and still digs to supplement his income. He mentioned that they are looking for approximately \$60,000 which represents \$1,000 back to each digger for their tax money. They have paid much more than this amount living here all of their lives. He hopes the Council will support the plan.

Michelle Noel appeared again and explained that the crabs could generate some revenue by being recycled as bait, animal food products, etc.

Keith McBride, Executive Director of FEDC, noted that the Town's Comprehensive Plan speaks to diversification of Freeport's economy as a very important goal. The presence of the clammers and the shellfish industry here represents diversification of the economy that already exists and its strength will present additional opportunities for light manufacturing and processing in the food sector that we have already seen popping up especially on Route One South of the village here with not only Cold River Vodka, the Beer Barn that is moving in as well as specialty food producers there. There is a real sort of identity for Freeport that is coming out of that and the strength in support for the clammers could present additional opportunities in the future for continued diversification in that direction.

Wayne Hollingworth of Durham Road explained that this body in the past has done TIFs for corporate structures in this town, which is fine but those TIFs bring in people from out of town to work. Having some essential help for the clammers, some have lived here their entire lives and worked the flats their entire lives, and to help them over a period of hard times is something we need to do and look at. These clammers support their families and create jobs such as drivers that drive the clams to market. People do come to eat fresh clams. It is important for the preservation of the resource and economic viability of the State and this town that we do something to help them. He doesn't want to see anybody lose their jobs because we have lost the clams.

Edward Bradley of 242 Flying Point Road explained that he holds a recreational license and utilizes a kitchen spoon to dig clams. He is here because he feels this conversation represents the best of Freeport. What the Council has in front of it is a conversation between people that care deeply about the Town and work hard in the town on a resource that belongs to all of us. They are here in a conversation with the Council who are doing what most of us want to see you do which is ask the hard questions of everybody no matter who they are for the rest of us who aren't them. He believes the people in this room are the guts and core of our town. If they are asking for this, it is a logical extension of what we are all about. As a taxpayer, he is glad the Council has asked the hard questions. He thanked the clammers for raising the issues and coming forward to the Council whose job it is to ask the hard questions and present your point of view. Clammers are critically important to the rest of the residents in Town. We don't want to be a town that doesn't have people that work the flats, or people that don't catch lobsters or people that make this town something other than what we came for. This is the personal side of what Mr. Bradley wanted to say.

Mr. Bradley used to be a marine resource attorney before he retired. He explained there is one resource in the State of Maine that the State and the Supreme Court of this state allow us to preserve for our residents. Moose, deer, lobsters and fish are all available within the boundaries of every town to the residents of every town in the State. It is not so of clams and the reason it isn't is because of the historical relationship between the Municipalities and those clam resources. The Law Court has said that it would allow towns to reserve the resources of the clam for its residents because of that long-standing responsibility it has taken for those resources. With the privilege of keeping these resources for the people of the town that we love and respect and need in order to keep the character of our town alive, we have the responsibility for this resource that we don't for any other. This is another reason that the Council should be open to this request and not worry that it is setting a precedent for any other resource. This is a special resource that the Town has been given special responsibility for.

**MOVED AND SECONDED:** To close the Public Comment Period. (Egan & DeGrandpre) **ROLL CALL VOTE:** (7 ayes)

Councilor Tracey from District II pointed out that she grew up here and she is glad that everybody is here tonight. It's been a difficult process. It has taken longer than anyone anticipated and she understands why people are frustrated. She supports the project and understands how important it is. It is the Council's duty to get this project right and to make sure the money is properly spent and the project achieves its goals. Everybody is going to be watching us and if it fails because it was not properly managed or for some reason the money was not spent wisely, our residents are going to be clamoring and we will have less opportunity to get funding later for this very valuable effort.

In light of the recent publicity, people are starting to queue in. This project was originally proposed by stakeholders with the backing of the Shellfish Commission. The Council has recognized that this project is important to the town and the sustainability of one of our marine resources. Last year's Council designated \$100,000 for shellfish restoration of which \$65,000 is allocated to the particular project being discussed tonight. There is an additional request from the clammers with the backing of the Shellfish

Commission for additional money somewhere in the order of \$70,000 but it may have changed recently and will be discussed later tonight out of the upcoming fiscal year 2014 capital budget to cover the remaining portion of the project and possibly some traps for next year. The Council has been working over the past months with stakeholders and scientists to form a project proposal that makes sense and achieves two needs: 1) An immediate economic development effort to reduce green crab predation in specific areas to allow for the growth of critical young clams (spat). 2) The second effort is a scientific effort that tests hypotheses about whether certain methods for reducing green crab predation are effective and whether the reduction in green crab predation will result in an increase in the clam resource. The goal of this latter effort is to produce scientific data that will be quantifiable, reliable and can be used to leverage additional State, Regional and Federal funding in this area. Over this process the Council and the Town has been taking more control for this project including having the Town Manager draft some portions of the current proposal. A lot of good work has been done over the past two months with help from the clambers. We have gone from an oral presentation and a rough budget to a much more fleshed out proposal and budget to be implemented with the guidance and assistance from two well-known scientists in this area—Dr. Brian Beale and Darcie Couture. Through this work, she has become convinced that this project is worth supporting and that having current and reliable data on green crab predation of clams is needed and this is a tangible way that our Town government can support a traditional industry and long-time Freeport residents.

She noted that she is one of the reasons everyone is here tonight and was not resolved last week and explained her concerns with the accuracy of the budget and how the project would be managed. She is hoping to get these issues resolved tonight. It needs to be said that Chad and Walter Coffin deserve a great deal of credit for getting the project to this point. Their advocacy for the resource and the families that depend upon it is to be commended. We would not be here without them. There have been recent communications to a Town employee and a Town Councilor that she and others have found to be completely out of bounds of civil discourse on this matter. Personal attacks distributed to a wide swath of the community have prompted significant concern by members of our community and she has been hearing from them and shares their concern. It's a free country and people can say what they want but she believes this type of negative communication undermines the credibility of the people making those kinds of communications and also undermines the fabric of our community. She believes this project is bigger than that and is fully willing to move forward. She stated that that kind of communication matters to her and people in the community and feels it is okay to say that she expects more and she looks forward to working together to the finish line on this project.

Councilor Egan stated that this past week there were some communications that she found disturbing and it deserves a moment to take a pause and think and talk about them briefly so we can move on and not have it happen again. This chamber has seen many disagreements and differences of opinions. There have been residents who disagree with other residents, residents that don't agree with the Council as a whole, or a particular Councilor. There have been Councilors that disagree with one another. Not only is this okay, it is actually great because it is part of the democratic process and helps sharpen the Council's thinking to ask critical questions and to take a moment to think things through as thoughtfully as possible. What is not helpful is when disagreements turn into personal attacks. During the development of this clam proposal there have been disparaging remarks made as Councilor Tracy said against a Town employee and Town Councilors. Some may say "hey, that's just politics" but we are not Washington D.C. and none of us want to be there. We are a small town and we are all neighbors with big challenges that we have to face together and solve those problems together. The best way to do that is to have an unfettered exchange of ideas and in order to have them, we cannot have personal attacks. We cannot have intimidation tactics that shut down the exchange of good ideas and distract the Council from the work that is really important and delays good work. It is mean spirited and not right. Freeport she believes is better than this. Residents work tirelessly to make better schools, better roads, create better job opportunities for each other and ourselves. Another big part is to make sure we govern ourselves and develop our priorities together and do it in a way that is civil and respectful. We can disagree without being disagreeable and



that is okay. She appreciated the tone of the public comment period that just took place this evening. Everyone was respectful and it was a great opportunity for the Council to hear from the public. We are the best of Freeport. Moving forward, she asked that everyone move forward together in a spirit that recognizes that everyone, even those people that disagree with you, is trying to make Freeport a better place.

Councilor Wellen shares a lot of the concerns Councilor Egan just mentioned. He had a really good meeting with clambers this morning and shared a respectful dialogue. He realizes that he has been stingier than some on these types of projects. He felt it was important to make a comment on what transpired over the past week since residents have been asking him what is going on. He plans to move on and hopes for the best from here.

Councilor Sachs noted that this experience, even with all of the personal attacks and negativity, has not changed her perspective one bit which is a really good thing. She still thinks the shellfish restoration project deserves the time and attention the Council is giving it. Everyone's presence this evening indicates it to her as well. It is important in so many ways and should not be embarked upon lightly. Everybody is impressed upon the environmental impact of this Study. The complexity of this project demands that we do it right. She believes this project deserves due diligence. She does not believe there are arbitrary delays but the Council is really trying to make sure that the project is done right so we can get quantifiable data that can leverage State funding later on and can be peer reviewed and we can make it stick and when or if this comes back next year, we will be able to say we have a reason why. Mr. Bennett has done an amazing job pulling these pieces together in just the last week. This project is no different from other projects that come before the Council. She wants to make it stick for the benefit of all Freeport families.

Some folks suggested that the Council not talk about civil discourse tonight, and that the content of recent e-mails being disrespectful in some cases should be sucked up and taken since she is a public official. However, the reason she says this is because to address it would give it legs and everyone's presence shows it has legs and is running all over town. If one doesn't say something about it, do you condone it? It is a tough place to be. No matter what, she has office hours on Monday morning and suggested that folks talk to her or call her. The tone doesn't have to be negative. The Council has done really good work together.

**SEVENTH ORDER OF BUSINESS:** To take action on the following items of business as read by the Council Chairperson.

ITEM #82-13                      To consider action relative to the resignation of Shellfish Commission member Chad Coffin.

**BE IT ORDERED:** That the Town Council accepts the resignation of Shellfish Commission member Chad Coffin effective April 24, 2013. (Egan & Gleeson)

**ROLL CALL VOTE:** (7 Ayes)

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ITEM #83-13                      To consider action relative to the Shellfish Habitat Restoration Program and the FY2014 budget appropriation contained in the Town Manager's budget proposal.

Chair Hendricks noted that this is time for Council discussion with the Shellfish Commission and our two scientists (one is in the room and one is on the phone). The Council will not be taking public comment but if information is needed from the public, they will be called. He asked everyone to be respectful of the conversation and let the Council move forward.

Tom Bennett, Shellfish Commission Chair, mentioned that he has been on the Commission for 24 years

and the Council is not dealing with a newcomer. He met with the Town Manager today and revised the budget on this plan but it has not been reviewed by the Shellfish Commission. The plan calls for 64 volunteers to spend 75 hours each. The video documentation/public education has been reduced from \$5,000 to \$1,500 because Mr. Bennett advised that it can be done in-house. He noted that they have enough buoys already for the number of traps they are buying this year. Mr. Bennett is donating the rope and bait bags to this project so he is wiping out \$5,000 for this line item. Everything else has stayed the same so they have gone from \$65,000 down to \$45,500.

Nora Healy, Vice Chair of the Shellfish Commission pointed out that the Shellfish Commission has not reviewed this new budget. The majority of the Commission supported the previous budget, which came in at \$66,000 or a little bit more and was presented to the Council around April 29. She appreciates Mr. Joseph and Mr. Bennett's efforts to trim things down, a budget is a budget and things can come in lower but they anticipated it might be a higher end budget. She hopes the Council will fully fund Phase II and shouldn't be looking to trim out things such as services provided by the Shellfish Warden and the Harbormaster. We are asking a lot of these people to put in their own time; to give up their own income and the Council should fully fund the Phase II. She mentioned that \$66,700 was supported by the Shellfish Commission. She has not had an opportunity to review the revised budget.

Councilor Egan asked about the service cuts mentioned by Ms. Healy. Ms. Healy mentioned the cuts to the upgrades to the Marine Patrol Boat. Mr. Joseph noted that the Shellfish Warden and the Harbormaster would assist with a small number of traps but they did not feel it was necessary to upgrade the Marine Patrol Boat. Mr. Kay advised that they would be able to lease a boat suited for hauling traps for the season.

Andy Wilbur from the Shellfish Commission explained that he has been looking forward to seeing this project move forward for more than a year now. He fully supports the project.

Mr. Bennett advised that he received a communication from a lobsterman stating that they hauled 14 green crab traps yesterday and caught 2,800 green crabs.

Chair Hendricks asked Mr. Bennett to explain the changes to the FY 2014 proposed budget. Mr. Bennett noted that they pretty much set aside the 2014 budget so they can develop the data from 2013. They figure they will be able to come up with the paperwork to figure out what will be a high priority for next year. They want justification to allocate this kind of money. Mr. Joseph explained that the biggest significant reduction in both of these budgets is volunteer labor. Mr. Bennett is confident that the Shellfish Commission and the clammers will step forward. Mr. Joseph also explained the \$23,000 balance being carried over to next year. That is why next year's appropriation is down. They are only proposing to spend \$10,000 less than what the Council looked at last week and they are going to try to get some savings this year and carry it over to fund it.

Councilor Tracy thanked Mr. Bennett for providing the information she was looking for. She really appreciates the work he put in. To the extent that it needs further working, she is comfortable still having it be in flux but these are the kinds of cuts she was looking for in concept. It made her want to jump for joy when she saw it.

Councilor Sachs asked if the \$1,000 contingency would be enough. Mr. Bennett advised that the Commission will be meeting on the 9<sup>th</sup> and will review the new budget. Ms. Healy pointed out that the Commission wants to see the project go forward and it has to go forward now. She doesn't want to delay it another week to argue that it should be funded at the previous level or this level. We need to realize that it is a budget and when it was developed, it was developed with the idea of looking at the high end of the cost. We have now trimmed out \$20,000 and so if we have success, it is likely that we will be asking for

more money and we might exceed the budget. If the Council voted on the higher end of the budget, it might be able to say to taxpayers that it came in under budget.

Councilor Gleeson noted that however the Council appropriates the budget, there is room for working it. He doesn't want to get hung up on a number versus the concept. Mr. Joseph pointed out that there was discussion last week on whether there is support for next year's project before we start. This is the bare minimum that we would need to appropriate for next year just to do what we are talking about on the current scale. If there is more, there is a whole budget appropriation but he is looking for support of the bottom line amount. If there is not support for this amount then we cannot move forward. This is the minimum commitment that he needs the Council to be comfortable with before we start releasing funds for what we need to do right now.

Councilor Egan asked if there is a way the Council can schedule a time to get a report from the Shellfish Commission in November to see if it needs to make any adjustments up or down for the FY 2014 budget. We want to commit to revisiting it to make sure it is successful next year. Ms. Healy noted that results should be available by November and the Commission would be happy to work with the Council to decide what we should do going forward. Chair Hendricks explained that this project will be tracked and the Finance Director and Town Manager will be in control of the cash flow and periodic updates can be scheduled. Mr. Bennett noted that all of the information will be included in the Commission's monthly minutes and everything will be available for the Council.

Mr. Joseph advised that the appropriation vote should be made in June or before the end of the fiscal year when the Council adopts its budget. If the Council wants to appropriate an amount higher than what is being shown, and give conditions for the release of funds, that is how this project was funded last year. The bare minimum needs to be free and clear and then anything else, a smaller amount or above and beyond that for contingencies can be appropriated with instructions that Mr. Joseph should bring it back to the Council for approval before it is spent.

Chair Hendricks suggested keeping the same earmarked amount in the Capital Program. Just because it is in there doesn't mean it will be spent. Technically we cannot change the amount until we vote on the Capital budget. We can keep the earmark in and give instruction that they are only authorized to spend the bare minimum.

Councilor DeGrandpre noted that we have talked about a lot of things in the last 20 minutes. Before we go anywhere next season, we will have a report delivered to us and plenty of discussion and an opportunity to decide what course of action we are going to have next year. We are still sitting on most of the money we allocated to be spent already so we are not losing track of this money. He would recommend visiting the Shellfish Commission when they meet and will see that there is a lot more effort going on than we are even aware of. They don't even talk about the things they are doing with clean water and education, videos, etc. that they don't claim credit for in our community. Councilors should attend at least one meeting with all of Freeport's Boards and Committees in the course of a year. He would prefer to leave enough money in the proposed budget in the event there is an additional need, we will have the money already and we don't have to do any emergency appropriations. We are not going to spend any of that money unless we make conscious decisions and we will have the science and whatever other materials we need to move forward. By the time we come to a meeting in June where we make a decision, the Shellfish Commission will have met at least once and will have a better idea of what their needs are and will better advise us. It's time to move forward.

Darcie was asked to come to the podium and Dr. Beale indicated he is still on the phone. Councilor Tracy asked who would be the project manager and who would be the next person to call in the event of a problem. Dr. Beale responded that Darcie would be the local person to be contacted should he not be available. If Darcie is not available, then the next person would be the Town Manager. Darcie

indicated that she is 10 minutes away and feels she can respond quickly in special times. There is nothing beyond the scope that she cannot handle. Dr. Beale noted that when the project moves forward, they would get together and make contingency plans.

More questions were raised and Dr. Beale and Darcie provided explanations. Dr. Beale stated that regardless of the results and whether we get zeroes or what, the final report will open up doors for funding in the future.

Councilor DeGrandpre mentioned that green crab predation was identified in Washington State 15 years ago and a fair amount of work has been done. He asked Dr. Beale if he was aware of this information. Dr. Beale indicated that he was invited out there to talk about what he had been doing in Maine. He mentioned that Freeport's clambers raised the flag on green crabs. Councilor Sachs referred to some successful projects in the Cape Cod area and Darcie noted that she came across some information about Cape Cod in odd places. More discussion followed.

Mr. Joseph pointed out that the most important reason to do this is to be able to broadcast this information to the other active Municipal shellfish programs throughout the New England area because we are talking about what if we have zero spat settlement this year. The only way to fix that is to give populations up and down the coast from us the methods and possibly the cheap methods to attack this problem, so they can protect their clam populations without having to put out \$100,000 appropriations to do research. They might be able to just build some fences and know what works. If we can prove that to them, that comes back to us. The seed will come down here and will give us better survival rates in the future. We will have an executive summary type of document produced and putting it out to all the coastal cities and towns with active shellfish programs will jump right on it. There are a lot of skeptics out there and they won't take the first step on this but if somebody shows them that we have scientific data that will help your town, there is a much better chance of it happening. Darcie explained that whatever comes out of this, there are several good avenues for broadcasting and getting it to those audiences. She is confident that those bigger regional groups will be very interested in this information.

Chair Hendricks mentioned that we are carrying some money over from the past year into next year. Instead of having continued supplemental appropriations come up during the year and trying to determine how to fund them he would rather suggest keeping the funding at \$67,000 and giving the Town Manager permission to appropriate the minimum of \$35,000 to get the project moving forward. As the project goes along, if additional funding is needed, they will have to come back to the Council. Just because we are keeping the benchmark at \$67,000 does not mean that we are going to spend the entire amount without permission. This is what he would like to do and would like to get consensus to move this forward. The vote on the Capital Budget is scheduled for June 4 and the Shellfish Commission will have an opportunity to meet. When we get to June 4, we will change the number from \$71,000 to \$67,000 and give the Town Manager authorization to expend the \$35,000, which would be the minimum for 2014 to get the project moving forward. They will not spend more than that without Council authorization.

Chair Hendricks' vote is yes.

Councilor Egan noted that we know we are saving some money this year so she offered a friendly amendment to change the \$67,000 minus \$23,000 to \$44,000. Mr. Joseph noted that he is comfortable with anything over \$35,000 and the Council is not going to change its mind.

Councilor DeGrandpre noted that the Council is talking about wiggle room for 2014 but this year they have given up almost \$20,000 and the Council doesn't want to give them any wiggle room there. They will not spend any more than their budget whether the Council leaves \$67,000 there or any number. He would prefer to not take away the \$23,000 now. Mr. Joseph explained the reductions that were made in

the budget. Chair Hendricks stated that just because we earmark \$67,000 does not mean we are going to spend it.

Councilor DeGrandpre votes yes.

Councilor Egan suggested that if the majority of the Council is comfortable with the \$35,000 it should talk about that rather than the allocation in the Capital budget. Once it goes to the Shellfish Commission, the Council will get more information and then it will have it for the final vote on the Capital budget. Chair Hendricks explained that he is trying to not have this discussion again on the same night. If the Council wants to have some final discussion that night, it will be shorter if we have consensus now rather than debating then if the Shellfish Commission comes back and says keep that \$67,000.

Councilor Gleeson supports the project and is willing to allocate a higher amount than \$45,500 but does not want to hamstring the Commission into that number. He feels it is fantastic that Mr. Bennett is donating his family's rope and bait nets. It is the buy-in he was hoping for. He is willing to appropriate up to \$67,000 in the budget but he is willing to authorize the Town Manager to write \$35,000 of checks which is the bare minimum for next year to do this project without coming back to the Council to further release some of that money.

Councilor Wellen noted that he didn't want to appropriate any money for 2014. He wanted the two scientists to get together and reduce the cost of the proposal and get it down to the cost appropriated for 2013. The Council has to look at the cost benefit for the clambers and if they are going to keep their jobs and the culture. The costs are real. He supports getting the project going but feels if the Town continues to spend extravagantly, it will come back to bite us. He votes no to appropriating money for 2014. He feels the project should have been funded by the State.

Councilor Tracy is willing to appropriate the \$67,000 with a green light for \$35,000 and if the project needs more, it is in the budget and people will come back and explain why it is needed. Councilor Sachs noted that she has everything she needs to support the proposal tonight as well as Chair Hendricks' position on this. Thanks to Mr. Bennett the Council has assurance of stakeholder buy-in and two different scientific proposals that have merged and expands the scope for the same money.

Councilor DeGrandpre thanked everyone for taking the time to bear with the Council. Through Chad and Walter Coffin's prodding, we have gotten to this point. He thanked his fellow Councilors for taking the time to get through this. He supports Chair Hendricks' proposal. He mentioned that the Appointments Committee would be filling the vacancy on the Shellfish Commission.

Councilor Egan noted that last year's Council appropriated up to \$100,000 for this project and this year's Council is about to appropriate another amount that is significantly more than we expect to spend. She wanted the Minutes to reflect that the expectation of the Council with the higher appropriation proposed by Chair Hendricks is not necessarily that we will spend that money because six months from now, expectations can change and people can remember that they have \$67,000 to spend when we are actually saying that we think the project is going to cost us \$35,000. She wants to be very clear about that because it has come back to us before when we have done an "up to" appropriation and people expect to spend the full amount. This is the reason she is nervous saying we are going to save \$20,000 and we end up with \$45,000 this year and we are now saying the appropriation for next year is \$23,000 more than what was originally proposed.

Chair Hendricks noted that this is not what he is saying. We are spending the minimum and they will come back to us with any information needed. They may come back and say they don't need to spend any more money because what we are doing is not working or they could come back and say "we need to

spend much more” but at that point we will have some leeway and won’t have to do another appropriation out of the budget process.

Chair Hendricks announced to the shell fishermen that the majority of the Council is willing to move forward with both 2013 and 2014. Once the Shellfish Commission meets, he is confident Mr. Bennett will provide Mr. Joseph with the consensus of the entire commission. The Council may want to have a short conversation with the Commission prior to the June vote on both the Capital Budget and the Operating Budget.

**MOVED AND SECONDED:** To adjourn at 8:50 p.m. (Sachs & Egan)  
**VOTE:** (7 Ayes)

Respectfully submitted,

Sharon Coffin  
Council Secretary

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #10-13**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**TUESDAY, MAY 7, 2013 - 8:30 P.M.**

|   | <u><b>PRESENT</b></u> | <u><b>ABSENT</b></u> | <u><b>EXCUSED</b></u> |
|---|-----------------------|----------------------|-----------------------|
| Rich DeGrandpre, 11 Timber Ridge Road   | x                     |                      |                       |
| James Hendricks, 21 West Street         | x                     |                      |                       |
| Kristina Egan, 5 Weston Point Road      | x                     |                      |                       |
| Melanie Sachs, 84 Kelsey Ridge Road     | x                     |                      |                       |
| Andrew Wellen, 83 Hunter Road           |                       |                      | x (ill)               |
| Scott Gleeson, 23 Park Street           | x                     |                      |                       |
| Sarah Tracy, 75 Lower Flying Point Road | x                     |                      |                       |

Chair Hendricks called the meeting to order at 9:03 p.m. and took the roll.

**FIRST ORDER OF BUSINESS:** Pledge of Allegiance

Everyone stood and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the Minutes of Meeting #08-13 held on April 23, 2013 and to accept the Minutes as printed.

Councilor Egan referred to Page 7, the second to the last sentence and suggested changing the word “consensus” to “a majority willing”.

**MOVED AND SECONDED:** To waive the reading of the Minutes of Meeting #08-13 held on April 23, 2013 and to accept the Minutes as edited. (DeGrandpre & Egan)  
**VOTE:** (6 Ayes) (1 Excused—Wellen)

**THIRD ORDER OF BUSINESS:** Announcements

Councilor Sachs announced that tomorrow night at 6:30 p.m. the RSU5 Board would be holding its last budget meeting before signing the warrants. On May 15 there will be a public meeting at the High School on the renovation project. On May 22 is the public meeting to vote on the budget. That will be the time to make amendments from the floor and discuss any articles. Information on all of these meetings can be found on [www.RSU5.org](http://www.RSU5.org).

Councilor DeGrandpre announced that the Appointments Committee would be meeting on May 16 from 8:30-10 a.m. here in the Council Chambers. He asked members of the public if they have any interest in serving on Town Boards or Committees to take a look at something that may interest them and fill out an application. Applications can be found on-line or at the Town Hall. Chair Hendricks pointed out that there are vacancies on the Coastal Waters Commission, Library, Recycling and Shellfish. He suggested that residents with an interest contact Johanna Hanselman at the Town Hall.

Chair Hendricks announced:

- There is a change to tonight’s agenda. The Public Hearing on the Victualer’s License revocation has been cancelled. The victualer has resolved his issues with the Town.

- The current discussion topics on Freeport Talks are: If there was a public bus service, would you use it, and if so, where would you want to go? What would make Freeport more sustainable for future generations? Please provide your input by going to [www.FreeportTalks.org](http://www.FreeportTalks.org).
- The Freeport American Legion Post is hosting its annual Blue Star Banner Ceremony to recognize families that have a loved one serving in the military. The ceremony will take place on May 9 at 7 p.m. at the Freeport Masonic Lodge. If anyone knows someone that has a family member in the Armed Services, please contact the Legion at 522-2389.
- The Port will host an Open House on Thursday, May 16 from 5:30 p.m.-8 p.m. This will be a social event for students, parents and local merchants to come rediscover this wonderful resource here in downtown Freeport. Refreshments will be available. For more information, please call the Port at 865-3985, Extension 236.
- Upcoming Historical Society Events include: the Second Annual Harraseeket Heritage Days and Harborside Gala at Brewer's Yacht Yard, South Freeport on Saturday, June 22 10 a.m.-12 Noon and 6-10 p.m. There will be family activities, music, walking tours, touch tank, an evening Gala with Silent and Live Auction, the Jason Spooner Band, sushi and wing bar, sumptuous hors d'oeuvres. Tickets for day activities will be \$5, which includes lunch. Evening Gala tickets are \$50.
- On Sunday, June 23 at 1:30 p.m. the Historical Society will host the 4<sup>th</sup> Annual Vintage Baseball Game at historic Pettingill Farm. Dirigo vs. Ipswich. There will be a vintage baseball card collection, ready of Casey at the Bat, music and food. From 10 a.m. to Noon there will be a Mini Baseball Camp, a "Fun Run" at Noon, music, food, ice cream, beer and lots more. For more information, please call 865-3170.
- On June 11, the polls will be open from 7 a.m.-8 p.m. in the Freeport High School Gymnasium located at 30 Holbrook Street for the RSU5 Budget Validation and Bond Referendum Election. Absentee Ballots will be available at the Freeport Town Clerk's Office beginning May 13 for the Bond Referendum only. The Absentee Ballots for the Budget Validation Referendum will be available beginning May 23. The deadline to request an absentee ballot is Thursday, June 6 at 6 p.m.
- There are 4 ways to request an Absentee Ballot:
  1. In-person at the Town Clerk's Office during the hours of the Town Clerk: 7:30 a.m.-6 p.m. Monday-Thursday and extended hours on Tuesday, June 4 until 8 p.m. Freeport residents may also register to vote during these hours or make changes to current voting information such as a change of name, address or party affiliation.
  2. By Mail – call the Town Clerk at 865-4743, ext. 123.
  3. Immediate Family Member – must fill out an application at the Clerk's Office.
  4. 3<sup>rd</sup> Person - application required. Call the Town Clerk at 865-4743, ext. 123 or stop by the Town Clerk's Office. Either the Town Clerk, Notary Public, Clerk of Courts or two other witnesses, must witness ballots cast using this method.

**FOURTH ORDER OF BUSINESS:** Information Exchange

Councilor Sachs noted that the Conservation Commission would be meeting on May 16 at 6 p.m. in the lobby of FCS.

**FIFTH ORDER OF BUSINESS:** Town Manager's Report



Mr. Joseph thanked the American Legion for donating the flags for Main Street. We will be working to get them up before Memorial Day. The local post has been working hard to get this together. He will provide an update once the flags are installed.

Winslow Park started taking reservations from walk-ins yesterday and phone reservations started today. If anyone is a local resident and likes to camp at Winslow Park, be sure you get your favorite spot before it is gone. Reservations at the Gate House and by phone will also be taken tomorrow.

This week we accepted bids for additional landscaping at Gorman Park, which is funded in part by a Canopy Grant approved by the Council last year. The work will hopefully be started within two weeks and be completed by Memorial Day. The purpose is to try to improve the hillside look near the retention pond. The second purpose is stormwater retention and erosion control. Travis Pryor, a local landscape architect, donated the landscaping design plan.

All of the roads temporarily posted by Public Works are now open to truck traffic. He thanked everyone who obeyed the regulations and prevented the Town's roads from being broken up.

Important dates for the Municipal Budget process coming up: Department Directors will be available to the public on May 15 from 6-7 p.m. and on May 16 from 7-8 a.m. in the Council Chambers. If anyone has any specific questions, they should feel free to come in and speak to Department heads. It is not a Council event but the Council is certainly welcome to attend to see what type of questions are raised. The budget hearing will be on May 21 beginning at 6:30 p.m.

The formal opening for the public rest rooms at the Hunter Road Field House will take place on May 11.

For the School Budget ballot voting that will take place on June 11. There are 4 ways to request an Absentee Ballot:

- 1) In-person at the Town Clerk's Office during the hours of the Town Clerk: 7:30 a.m.-6 p.m. Monday-Thursday and extended hours on Tuesday, June 4 until 8 p.m. Freeport residents may also register to vote during these hours or make changes to current voting information such as a change of name, address or party affiliation.
- 2) By Mail – call the Town Clerk at 865-4743, ext. 123.
- 3) Immediate Family Member – must fill out an application at the Clerk's Office.
- 4) 3<sup>rd</sup> Person - application required. Call the Town Clerk at 865-4743, Ext. 123 or stop by the Town Clerk's Office. Either the Town Clerk, Notary Public, Clerk of Courts or two other witnesses, must witness ballots cast using this method.

Freeport's Spring Clean-Up Program is being changed this year in an effort to make it more convenient and efficient. The week has been extended to include the entire month of June this year. Each Freeport household will be able to dispose of one free load of acceptable household items with a completed coupon during Clean-Up Month. Each household should be receiving a flier during the month of May which will include the coupon, a list of acceptable items which can be disposed of, information on the 2013 Household Hazardous Waste Program which has been discussed with the Council a couple of times prior to tonight as well as a Recycling and Composting Survey. There will be prizes for those submitting their completed surveys in June. He asked residents to participate if they can.

**SIXTH ORDER OF BUSINESS:** Public Comment Period – (Non-Agenda Items Only)

**MOVED AND SECONDED:** To open the Public Comment Period on Non-Agenda Items Only (Egan & Tracy) **VOTE:** (6 Ayes) (1 Excused—Wellen)

Rod Regier of South Street spoke about pedestrians on the road. He explained that last Sunday afternoon there were scores of pedestrians walking back to the traffic, on the wrong side of the street, walking abreast oblivious to traffic. He noted that bonehead pedestrians could be just as hazardous as bonehead drivers. He mentioned there was some formal affair going on at the Town Park. He requested action from the Council to consider adding as a condition of use for the Town Park some kind of a road safety requirement. For a lot of events, this is done already. For something like this he would urge that any organizer of such an event that 1) they would have to certify that they know the rules for pedestrian use of the roads and 2) they will affirm that they will pass this information to their participants and 3) affirm that their participants will actually honor the pedestrian laws for use of the roads.

Marie Gunning of Telos Road asked if the public would be allowed to comment on the Hunter Road Fields Permit Application when it is up on the agenda. Chair Hendricks indicated that the public would be permitted to speak at that time.

Keith McBride, FEDC Executive Director advised that on May 16 at 6 p.m. FEDC will be hosting a presentation of their Vision 2025 Economic Development Action Plan. Their consultants will help them do a presentation on the process, the input that was taken to put the plan together and a question and answer period. They are hoping for a huge turnout and a robust discussion. He would love to have the Council participate as well. Mr. McBride explained how busy he has been welcoming new businesses to Freeport. They have a lot going on.

Councilor Tracy asked if the Vision 2025 presentation would be video taped and televised later. Mr. McBride noted he hadn't considered it but it sounds like a great idea. If it is possible, he will make it happen.

**MOVED AND SECONDED:** To close the Public Comment Period  
DeGrandpre & Sachs) **VOTE:** (6 Ayes) (1 Excused—Wellen)

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**SEVENTH ORDER OF BUSINESS:** To take action on the following items of business as read by the Council Chairperson.

ITEM #87-13                      To consider action relative to adopting the May 7, 2013 Consent Agenda.

**BE IT ORDERED:** That the May 7, 2013 Consent Agenda be adopted.  
(Hendricks & Egan)

Chair Hendricks reviewed the items on the Consent Agenda for members of the public.

**ROLL CALL VOTE:** (6 Ayes) (1 Excused—Wellen)

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ITEM #88-13                      To consider action relative to an application for a Special Amusement Permit.

**BE IT ORDERED:** That a Public Hearing be scheduled for May 21, 2013 at 6:30 pm in the Freeport Town Hall Council Chambers to discuss an application for a Special Amusement Permit submitted by Darryl Murray d/b/a Freeport Seafood Company located at 175 Lower Main Street, Freeport ME 04032.

**BE IT FURTHER ORDERED:** That copies be distributed equally between the Town Clerk's Office, the Town Manager's Office and the Freeport Community Library for inspection by citizens during normal business hours and the notice be

placed on Freeport's local cable channel 3 and the Town's website. (DeGrandpre & Egan)

Mr. Joseph explained that this is for a single musician on Fridays.

**ROLL CALL VOTE:** (6 Ayes) (1 Excused—Wellen)

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|-------------|--|
| ITEM #89-13 | To consider action relative to the draft site location application for Hunter Road Fields. |
|-------------|--|

**BE IT ORDERED:** That the Town Engineer be authorized to submit the draft site location application for Hunter Road Fields as presented (or amended).  
(Gleeson & Sachs)

Albert Presgraves, Town Engineer brought the Council up to speed on this item. The Town is only committed to doing the things required on the Pownal Road Field Site to comply with current stormwater regulations. He noted that the draft application which is 90%+ completed is on a chair this evening. If anyone wants to review it, it will be in his office. Mr. Presgraves answered questions for Councilors.

Councilor Egan pointed out that the estimate has gone up so the Council will need to change the Capital Plan that it adopted for the next year from \$53,000 to \$70,000. Mr. Joseph agreed to put it in the working draft for next year which he would create tomorrow.

Councilor Egan noted that the Council had a presentation from a variety of different groups that came forward and mapped out where some of the trail locations would be and it was controversial at the time. She recalls that the Council had pledged to continue some kind of community process to figure out what the trail needs are, where they would go and how they would impact folks that want to make sure that we are conserving the land and the Conservation Commission's interests and also make sure we are accommodating some of the needs articulated by the groups that presented that plan. She does not know where that process is. Mr. Joseph noted that Mr. Presgraves has indicated that we haven't taken it any further so his understanding is that there is going to be a much larger group involved through the Town Council or some other method that you tell us to do.

Mr. Presgraves recalled that the Town Planner began an effort to talk to some of the players who were going to identify where trails should go, etc. It did not continue. Councilor DeGrandpre recalled that the Town Planner discovered a grant opportunity and she brought a plan to the Council to build something to perhaps attract the grant money but it turned out the whole thing was premature and that is where the Council left it. Councilor Egan does not want to lose the point of that discussion and it may be time for the groups to reconvene and consult with the Hunter Road Advisory Committee and several other stakeholders. She noted that the trails need to be very low impact and if we were not doing a DEP permit for other things related to the stormwater requirements for the parking area, we wouldn't need a DEP permit for the trails. She feels the Council could proceed with this discussion and make sure that it gets the correct stakeholders to the table and build off the work and discussion that has already been done. She is confident there is community interest in making sure we have a facility that satisfies the needs of multiple stakeholders more than it does right now.

Mr. Joseph advised that the RTP Grant Application will be available this year and the Council will see at the next Council meeting that Ms. Larson is trying to design a public process so that we will invite suggestions from the different groups so that the Town will apply for the trail grants as opposed to other groups getting locked out. Ms. Larson is trying to decrease the controversy of who will apply for that grant. It will be a public process in front of the Council with all agencies involved in trails. There is a draft that the Council will see on May 21.

Marie Gunning assumes that the application includes our DEP permit and the FEDC Consultant put in at that time that the primary use of the fields would be by Freeport residents. There was an assumption made on how much vehicle traffic there would be and this is what we got the permit on. We don't know if this is going to pan out. At the public hearing there was discussion on whether we would have tournaments there. Are we set up for tournaments and do we have parking? Do we have the roads? What will this do to our taxes if we have to create roads going in. This is the discussion that needs to happen and we need to continue to dig on these issues. Regarding the lodge, assumptions were made on how many times the toilets would be flushed. These are the details that determine if it is a good project or not. It will cost us more money or not. She came this evening because she saw something about a request that we limit the vernal pool study for stormwater management to 250 feet, which is the DEP regulation. The DEP Standard feels it is valuable at 750 feet to protect the integrity of vernal pools. She has a paper that describes why it is important to go to 750 feet and offered to e-mail it to Councilors. She cautioned about placing a connector path in the wetland areas.

Ms. Gunning pointed out that Freeport has delegated stormwater authority. Under State law, you aren't supposed to issue permits on your own project as a town. The Town Engineer has issued the stormwater permit on this project but FEDC was shown as the applicant. The lodge was built and the Town doesn't have the permit in place. She feels these things are going to have ramifications going forward in terms of the costs.

Councilor Tracy asked if there are remaining stormwater permits to be issued? Mr. Presgraves advised that the whole stormwater design and calculations are incorporated into the DEP Site Location Permit Application and will be reviewed before the permit is issued. Mr. Joseph noted that Mr. Presgraves reviewed Al Palmer's calculations that he performed under contract to FEDC. The State will be reviewing Al Palmer's calculations for Hunter Road with additions for Pownal Road. Technically we did not issue a permit on our own application.

Councilor Tracy asked about the 750 feet versus the 250 feet vernal pool study and if there is a difference in cost? Mr. Presgraves explained that he has a map, which can be shared with the Council showing the majority of the wooded property between the developed Pownal Road Fields, and the Hunter Road property that shows it is going to be mapped. There is only about 600 feet between the two developed areas and we are going to do 250 feet from each side. The way it was set up for the vernal pool consultant to do his work was to include the whole area. Councilor Egan asked Mr. Presgraves to get back to the Council and advise if the whole thing is going to be studied. Mr. Presgraves noted there are some edges that will not be studied and there are no plans for a trail.

**ROLL CALL VOTE:** (6 Ayes) (1 Excused—Wellen)

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**OTHER BUSINESS:**

1. K-9 Officer Presentation (Chief Schofield & Officer Moorhouse)

Chief Jerry Schofield introduced Matt Moorhouse and Lieutenant Nourse. He explained that Officer Moorhouse came to him and suggested developing a K-9 dog to use in our department. For some reason none of our neighboring communities have a canine. It sounded like a great idea to him.

All the credit goes to Officer Moorhouse for doing all the work. Officer Moorhouse noted he is excited about a K-9 Program. He and the Chief presented this to the Town Manager and he is here tonight seeking endorsement from the Town Council. It is his passion to become a K-9 handler and he explained the

functions that would be performed. While police officers in Maine are prohibited from soliciting donations, discussions about the possibility of introducing a Police K-9 in Freeport caused many business owners and community members to offer donations of money and supplies to make this program possible. These donations were not solicited. These things are all coming together to help bring a Police K-9 to Freeport. The cost of a start-up program would be approximately \$12,000 but because of the help from community members and other Police Departments, the annual cost will be less than \$1,000. Officer Moorhouse answered questions for Councilors and advised that the dog will live with him. Discussion followed. Councilor Sachs asked about liability and was advised that the program will add \$120 to our insurance costs.

Chair Hendricks thanked Officer Moorhouse for taking the initiative. It appears the annual cost will be less than \$500. Councilor Egan also thanked Officer Moorhouse. Mr. Joseph thanked the Chief, Lieutenant Nourse and Officer Moorhouse for coming in this evening. Chief Schofield noted that Lt. Nourse has an envelope containing \$11,000 in donations which must be accepted by the Council. Mr. Joseph noted that there are other donations such as flags and he can add this to the next Consent Agenda. He asked if there is any reluctance to this program. There were no objections voiced.

Chief Schofield thanked Officer Moorhouse and Mr. Joseph for supporting this project. He mentioned that he has other officers that are also taking initiative in his department and this is his opportunity to recognize them and thank them.

Councilor DeGrandpre advised that several people have brought to his attention dogs running at large at Hunter Road Fields and the messes being left behind. This will be discussed at the next Fields meeting. They were reluctant to exclude dogs but if it becomes a problem, they may have to change the Policy simply because owners are not willing to manage their dogs. Mr. Joseph indicated that this is an opportunity to say to the public before it becomes an official policy, that if they don't want to see dogs excluded from the fields, they should get this problem under control. They have to do a better job picking up after their pets.

Chair Hendricks noted he would have no problem banning dogs from public facilities. Not everybody appreciates dogs running loose on fields. Councilor DeGrandpre will update the Council once the Fields Committee meets.

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**MOVED AND SECONDED:** to adjourn at 10:20 p.m. (Tracy & DeGrandpre)  
**VOTE:** (6 Ayes) (1 Excused—Wellen)

Respectfully submitted,

Sharon Coffin  
Council Secretary

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #11-13**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**TUESDAY, MAY 21, 2013 - 6:30 P.M.**

|   | <u><b>PRESENT</b></u> | <u><b>ABSENT</b></u> | <u><b>EXCUSED</b></u> |
|---|-----------------------|----------------------|-----------------------|
| Rich DeGrandpre, 11 Timber Ridge Road   | x                     |                      |                       |
| James Hendricks, 21 West Street         | x                     |                      |                       |
| Kristina Egan, 5 Weston Point Road      | x                     |                      |                       |
| Melanie Sachs, 84 Kelsey Ridge Road     | x                     |                      |                       |
| Andrew Wellen, 83 Hunter Road           | x                     |                      |                       |
| Scott Gleeson, 23 Park Street           | x                     |                      |                       |
| Sarah Tracy, 75 Lower Flying Point Road | x                     |                      |                       |

Chair Hendricks called the meeting to order at 6:30 p.m. and took the roll.

**FIRST ORDER OF BUSINESS:** Pledge of Allegiance

Everyone stood and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the Minutes of Meeting #09-13 held on May 2, 2013 and to accept the Minutes as printed. To waive the reading of the Minutes of Meeting #10-13 held on May 7, 2013 and to accept the Minutes as printed.

Councilor Tracy referred to the May 2, 2013 Minutes and asked for clarification from Chair Hendricks in the last paragraph. Chair Hendricks noted shell fishermen should be changed to Shellfish Commission.

**MOVED AND SECONDED:** To waive the reading of the Minutes of Meeting #09-13 held on May 2, 2013 and to accept the Minutes as edited. (DeGrandpre & Egan) **VOTE:** (7 Ayes)

**MOVED AND SECONDED:** To waive the reading of the Minutes of Meeting #10-13 held on May 7, 2013 and to accept the Minutes as printed. (DeGrandpre & Egan) **VOTE:** (7 Ayes)

**THIRD ORDER OF BUSINESS:** Announcements

Councilor Wellen explained that he attended the Traffic and Parking Committee meeting this morning and pedestrian safety was discussed. He reminded everyone to follow the pedestrian traffic rules. Councilor DeGrandpre also advised that Councilors received an E-mail outlining State Statute on walking on sides of roads. It also pertains to signalized intersections where there are guides for vehicles and pedestrians walking. He feels it would be worth posting these on the Town's website.

Councilor Gleeson pointed out that the Coastal Waters Commission has spent the last year identifying coastal water public access points and they have it published on the [www.Freeportmaine.com](http://www.Freeportmaine.com) website. Residents can go to Council and Boards and click on the Coastal Waters link and there is a pdf showing all of the public access points for the Town of Freeport for kayaking, etc. He understands the Town will be putting up some signage as well.

Chair Hendricks announced:

- Memorial Day events will take place on Monday, May 27. The parade will begin at 9:30 a.m. on Holbrook Street and stop for a brief Police Color Guard Salute at the Town Hall. It will then proceed down Main Street, turn down School Street and end at the Town Park, where the Memorial Day Ceremony will take place. Many local groups and individuals will be participating in the parade and the ceremony. The weather is looking good, but in case of heavy rain, the program will be held in the High School Auditorium at 10 a.m. If any group or individuals would still like to participate, it is not too late. Please contact Gloria DeGrandpre at 232-6648 or [www.GloriaD556@AOL.com](mailto:www.GloriaD556@AOL.com).

We'd like to thank Gloria for organizing the Memorial Day Events this year and all those who are participating in these events. A full listing of the events and participants is located on the Town's website.

- The current discussion topics on Freeport Talks are: If there was a public bus service, would you use it, and if so, where would you want to go? and What would make Freeport more sustainable for future generations? Please provide your input by going to [www.FreeportTalks.org](http://www.FreeportTalks.org).
- This year residents will have more time to get their waste material to the Recycling Center and Spring Clean-Up will be the entire month of June. By now each Freeport household should have received a flyer in the mail from the Town which includes a coupon (good for one free load per household) and a list of acceptable household items which can be disposed. Acceptable material can be brought to the Recycling Center throughout the month of June during regular operating hours (Wednesday-Friday, 8 a.m.-4 p.m. and Saturday, 9 a.m.-4 p.m. For more information, residents can call 865-3740. Freeport also has purple household hazardous waste coupons available at the Recycling Center during the month of June. This program was established to give residents a responsible way to dispose of their household hazardous waste. One coupon per family can be picked up free of charge during the hours of operation at the Freeport Recycling Center in June. It is worth \$20 at the City of Portland's Riverside Solid Waste facility. Any cost above the \$20 will be paid by the resident. Residents will have to provide their name and address. They are available on a first come, first serve basis and there are only 100 coupons available.
- Please make note of the following important dates concerning the RSU#5 Budget and Bond Referendum: The RSU#5 Budget Meeting will be held on Wednesday, May 22<sup>nd</sup> at 6:30 p.m. at the High School.

The RSU#5 Bond Referendum and Budget Validation Referendum Elections will both be held on June 11<sup>th</sup> at the High School beginning at 7 a.m. Polls close at 8 p.m.

RSU#5 Bond Referendum absentee ballots are currently available at the Town Clerk's Office but if residents wish to vote on both the bond referendum and the school budget validation referendum, the Town Clerk recommends that folks wait until the budget validation referendum ballots are ready on May 23<sup>rd</sup>.

**FOURTH ORDER OF BUSINESS:** Information Exchange

Councilor DeGrandpre pointed out that residents will have to display a 2013 Freeport Recycling sticker if they plan to bring their hazardous waste to the Portland facility and their one load to the Freeport Recycling Center.

Councilor Tracy explained to residents wanting more information on the Freeport High School renovations, there is a website called [www.renovatefhs.org](http://www.renovatefhs.org) which has the plans for the high school and the reasons why the renovation is being proposed.

**FIFTH ORDER OF BUSINESS:** Town Manager's Report

Mr. Joseph reported:

- Applications for Recreational Shellfish Licenses will be available beginning June 3 for the July 1, 2013 to June 30, 2014 licensing year. For more information, please contact the Town Clerk's Office.
- There are two Commercial Shellfish licenses coming up for lottery in June:  
  
1 Non-Resident Commercial Shellfish License  
1 Resident Student Commercial Shellfish License

Applications for the lottery will be available at the Town Clerk's Office from June 3-June 13 and the lottery will be held on Monday, June 17 at 3 p.m.

- With the nice weather upon us, you may be starting to make your summer vacation plans. If you are going to be away from your home for an extended period and would like the Police Department to check your home while you are gone, please contact the Police non-emergency line (865-4800) to obtain a Courtesy Property Check Form. The Police Department will be happy to check your property two or three times a week during your absence.
- Thanks to a generous donation, the Library now has four Kindles to lend. Two Kindles are preloaded with non-fiction titles and two are pre-loaded with fiction titles. Kindles may be borrowed by patrons 18 years old or older with valid photo IDs and no fines on their Library cards. Use this link to view the Kindles in our catalog: <http://bit.ly/fcl-kindles>.
- In order to prepare for the additional landscaping and stormwater management work to be done in Leon Gorman Park this spring, the grueling task of removing various invasive species which have begun to infest the Park needed to be completed first. I would like to thank L.L. Bean and thirteen of their employees who volunteered their time on a recent Saturday morning to undertake the painstaking task of removing these invasive species from the Park. We look forward to seeing the results of their work and the additional landscaping by Memorial Day.
- The RSU#5 Budget Meeting will be held on Wednesday, May 22 at 6:30 p.m. at the High School. Residents are encouraged to attend this important meeting and exercise their right to vote.
- The RSU#5 Bond Referendum and Budget Validation Referendum Elections will both be held on June 11 at the High School beginning at 7 a.m. Polls close at 8 p.m. RSU#5 Bond Referendum absentee ballots are currently available at the Town Clerk's office. Absentee ballots for the school budget validation referendum will be available beginning May 23. For more information on how to register for an absentee ballot, please contact the Town Clerk's office at 865-4743, Extension 123.

**SIXTH ORDER OF BUSINESS:** Public Comment Period – (Non-Agenda Items Only)



**MOVED AND SECONDED:** To open the Public Comment Period on Non-Agenda Items Only (DeGrandpre & Sachs) **VOTE:** (7Ayes)

Edward Bonney noted the train center has received four beautiful caned seats. He introduced Sande Updegraph and explained that this really is her project. He thanked Ms. Updegraph for making the project for the train center possible. Ms. Updegraph explained that she is here this evening as a former employee and volunteer at the Freeport Train and Information Center. She noted that they looked at this renovation as a Town project and were so fortunate to receive many unique and interesting items. She has heard from train officials and people that ride the train that the Freeport Train Center is the most welcoming, most comfortable and most interesting and informative along the entire Downeaster line. She mentioned the four hand-painted chairs created by three high school students: Lauren Martin, Taylor Schenker and Hanna Morrison. She introduced Hanna Morrison and asked her to stand. She invited everyone to come down and take a look at the chairs. She also thanked the Freeport Elders for donating the seat cushions for the benches. Wildflower produced the wreaths during the fall and winter. Steve Granholm fashioned the valances that are up for spring and summer and Johanna Hanselman contributed a beautiful antique railroad oil can that is in the window. She thanked everyone for supporting the train efforts in Freeport. The Council thanked Ms. Updegraph as well as Ms. Morrison.

**MOVED AND SECONDED:** To close the Public Comment Period DeGrandpre & Sachs) **VOTE:** (7 Ayes)

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**SEVENTH ORDER OF BUSINESS:** To take action on the following items of business as read by the Council Chairperson.

ITEM #97-13                      To consider action relative to adopting the May 21, 2013 Consent Agenda.

**BE IT ORDERED:** That the May 21, 2013 Consent Agenda be adopted.  
(Hendricks & Egan)

Chair Hendricks reviewed the items on the Consent Agenda for members of the public. He disclosed that under Item 90-13 he has served on the Freeport Rotary Club's Board for 12-13 years. He does not receive any monetary compensation for this. He does plan to vote on the hot dog stand because it makes money for the club.

**ROLL CALL VOTE:** (7 Ayes)

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ITEM #98-13                      To consider action relative to an application for a Special Amusement Permit submitted by Darryl Murray d/b/a Freeport Seafood Company located at 175 Lower Main Street, Freeport, ME 04032. **PUBLIC HEARING**

**MOVED AND SECONDED:** That the Public Hearing be opened. (Egan & DeGrandpre) **VOTE:** (7 Ayes)

There was no discussion.

**MOVED AND SECONDED:** To close the Public Hearing. (Egan & DeGrandpre) **VOTE:** (7 Ayes)

**BE IT ORDERED:** That an application for a Special Amusement Permit submitted by Darryl Murray d/b/a Freeport Seafood Company located at 175 Lower Main Street, Freeport, ME 04032 be approved. (Egan & Sachs) **ROLL CALL VOTE:** (7 Ayes)

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ITEM #99-13                      To consider action relative to the adoption of the Fiscal Year 2014 Operating, Capital, and TIF Budgets for the Town of Freeport. **PUBLIC HEARING**

**MOVED AND SECONDED:** That the Public Hearing be opened. (Wellen & DeGrandpre) **VOTE:** 7 Ayes)

Amanda Beale, Freeport resident explained how wonderful it is to be able to access the Downeaster and shared her experiences riding the train to classes in New Hampshire. She urged the Council to approve the budget for the Train Center, which has been requested.

Julie Fraser, Executive Director of the Freeport Child Care Agency thanked the Council for their support and offered to answer questions. There were no questions raised.

Brenda White, Freeport resident and School Nurse expressed her gratitude for the \$1,800 Dental appropriation and explained how vital this is. She urged the Council to continue to fund this level of health care in our community.

**MOVED AND SECONDED:** That the Public Hearing be closed. (Wellen & Gleeson) **VOTE:** 7 Ayes)

Chair Hendricks explained that further budgetary discussion will take place following the close of the Council meeting tonight in workshop. He urged residents in the audience and at home to “Stay Tuned” for more discussion.

**NOTE:** Chair Hendricks explained that the Town Attorney has advised that Councilors must sign on the exact same line on the Election Warrant.

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ITEM #100-13                      To consider action relative to an application for a Liquor License.

**BE IT ORDERED:** That a Public Hearing be scheduled for June 4, 2013 at 6:30 p.m. in the Freeport Town Hall Council Chambers to discuss an application for a Liquor License for a Qualified Caterer submitted by Sonya Voutour d/b/a Maine Shore Lobsterbakes, LLC located at 14 Ware Road, Freeport, ME 04032.

**BE IT FURTHER ORDERED:** That copies be distributed equally between the Town Clerk’s Office, The Town Manager’s Office and the Freeport Community Library for inspection by citizens during normal business hours and the notice be placed on Freeport’s local cable channel 3 and the Town’s website. (Tracy & DeGrandpre)

**ROLL CALL VOTE:** (7 Ayes)

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ITEM #101-13                      To consider action relative to establishing a Natural Gas Service Ad Hoc Committee.

**BE IT ORDERED:** That the Town Council hereby establishes an Ad Hoc Committee named Natural Gas Service Committee to explore opportunities to facilitate the expansion of natural gas service to residences in the Town of Freeport and to explore other opportunities to reduce energy costs for the residents of the Town.

**BE IT FURTHER ORDERED:** That the Town Council hereby appoints Councilors Richard DeGrandpre and Sarah Tracy as Co-Chairs to the Natural Gas Service Committee; Mac Collins as the District 1 Representative; Edward Bradley as the District 2 Representative; Joseph Migliaccio as the District 3 Representative; Fredrick Palmer as the District 4 Representative; and Donna Larson, Town Planner as the Staff Liaison. The Town Council delegates the authority to accept any other residents to become members at its discretion. The Committee shall make a formal report to the Council on its progress by the first Town Council meeting following January 7, 2014. The Committee shall remain in effect until May 7, 2014. (Sachs & DeGrandpre)

Councilor Tracy explained the committee's goals. Ultimately they plan to provide a public meeting where they can provide information to residents about their options. They are hoping the meeting will be recorded and played on Channel 3 so that people will have a better sense of how they can save on energy costs and to the extent that there are other types of energy savings that can be had. They will be exploring this as well.

Councilor DeGrandpre is hoping they can identify infrastructure expansion costs so they can have a good discussion and potentially come back to the Council with a lot of information for further discussion. They really do not know where they are going with this.

Councilor Egan encouraged the committee to consider equity among our residents because if there is any Municipal subsidy and it only benefits a subset of our population, we need to think about whether it is fair. Councilor Tracy explained that they are operating with the initial assumption that they will try to find ways that residents can aggregate and band together to decrease their energy costs. They are not coming out of the box with the assumption that they are going to try to find a way for the Town to subsidize energy savings. To the extent that this becomes an issue, they will probably bring it back for Council discussion. At this point, they haven't even had their first meeting. She and Councilor DeGrandpre are guessing at what the representatives will want to explore and they will take direction from their representatives who have also explored these issues extensively.

With respect to the other resources, the intent is not to have the other methods for energy savings to subsume the natural gas exploration but they are mindful that it could be the result of this initial investigation that the costs that residents have to pay to hook up to natural gas might be beyond what is feasible for most residents. They hope this is not the case but if it is, they want to include in their mission the ability to just identify other resources and other methods that residents could use to decrease their costs. They do not intend to become the "energy czars" of the State but more to identify where the information is that can be gained for residents' use and maybe potentially put it in a place that is easily accessible. More discussion followed.

Councilor Egan urged Councilors Tracy and DeGrandpre to be really clear about the last phrase: explore other opportunities to reduce energy costs for the residents of the Town and suggested that they refine their charge.

Chair Hendricks suggested letting the committee meet first before changing their Mission Statement since it can be refined at any time.

**ROLL CALL VOTE:** (7 Ayes)

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**OTHER BUSINESS:**

1. Discussion on the Recreational Trails Grant

Town Planner, Donna Larson advised that a new round of funding has been announced. The projects can go to up as much as \$35,000. The grant cannot cover more than 80% of the total project and the Town would have to provide 20%. There are a number of different groups in Freeport which she believes might have some trails. To get this process started we need to decide if we want to submit one of these grants. If we do, we first should solicit from the various groups that are working on different things. She came up with the Conservation Commission, the Hunter Road Advisory Committee, the Active Living Task Force and the RSU. Those are public organizations that have trails as part of their mission. We should ask them what trails they would do and what the project would include. If we get more than one, the Council can decide which project to pursue. We have to have a pre-application in by August 16. She outlined a proposal to get out to those groups. We would get it back by June 27 indicating what group is interested in what trail. This would give the Council time to review them and determine which one we really should pursue with this grant and then a pre-application can be submitted. Ms. Larson feels this grant is the most labor-intensive grant that she has ever written. The State has to come down at least once and go through it and certify it. There are other steps along the way that require a lot of work so we need to know what we want to do and it also requires endorsement from the Town. Anything that gets a full endorsement from the start strengthens the application. She is here to talk about process and learn if this is the process the Council wants to follow. She asked if she missed any groups or if the Council would like to follow a different process.

Chair Hendricks referred to a community charette that took place where a want or need to either develop or increase trails was discussed. He is aware that we have been kicking around trails at Hunter Road Field and the whole Hedgehog Mountain area. He asked if this would tie into that or is Ms. Larson trying to do something different? He asked if there would be time for a public meeting with all the interested groups and perhaps open it up to the public. Ms. Larson agreed that it would be a good idea to have a public information meeting and invite those groups to come in and get more information. She would not be surprised if Hunter Road and/or Hedgehog Mountain would rise to the top and be selected. There could be some other project out there that was not anticipated but the Council finds better.

Councilor DeGrandpre suggested contacting the Conservation Trust because they have a lot of public access property and some trail connections could really open up some areas. He would also suggest contacting the Freeport Historical Society because they have many trails at the Pettingill Farm and there may be some opportunities there. He would prefer to have more people than less in this process. He mentioned that there are maps from these organizations that could be made available, which would be helpful.

Ms. Larson feels it is always best to apply for one grant. The Town picks the priority rather than letting a group of people at the State pick the priority. This is one of those grants for which a non-profit can submit a grant application. If everyone is in the same room, the conversation can take place so that we are not competing against each other. She offered to invite all the various groups to come in and give them the application so that they know the kind of information that is going to be requested. She is happy to pull it all together but always needs help from the people closest to the project.

Councilor Sachs asked if a grant could cover projects in multiple locations. Ms. Larson offered to call on this. Councilor Tracy asked if the groups don't come forward with proposals, does the Town come up with proposals about what would be a good priority? Ms. Larson indicated that the answer is "yes". She will bring different projects that she believes could potentially be out there.

2. Discussion of potential travel lane width policy

Chair Hendricks noted that the idea tonight is to get some sort of Council direction if there is sentiment about a Town travel lane width policy. Obviously we are getting into the paving and striping season, which is going to happen much faster than we are going to get our Active Living Plan.

Town Engineer, Albert Presgraves explained that his memo falls short of a lane width policy proposal but there is so much that can go into that topic that he wanted to put in writing as much background information that would help get us going in that direction. He mentioned two projects at the end of the memo—the reconstruction of South Street and then paving it and striping it and the rebuilding of West Street over the course of the summer. We may not even stripe the shoulder lines on West until next year but he is intending for the pavement width to be 28 feet. Rather than having a global policy, he feels it may be just as effective to go through each town street and segment of street, and say based on our guiding principles, our goal for this street is to pave the shoulders in the future or not. He noted that wide shoulders are not possible on every street in town.

Councilor Egan suggested not trying to do a global policy right now and wait for the information from the Active Living Plan to give us a little more of those guidelines. We can focus on making a decision on South Street tonight. West Street can wait until next year. Her gut feeling is that Mr. Presgraves has to do it case by case. It is not appropriate to have shoulders or bike lanes everywhere. We may want different widths of shoulders in different places and it is really going to be context dependent. She also suggested requesting information from PACTS and then Mr. Presgraves can make a final decision on what is best for safety on South Street.

Mr. Presgraves noted that he does not know enough about lane widths and safety without doing some research and is happy to get this information from PACTS. One thing thrown out by PACTS was that since South Street is not a 25 mph road, it could be a 10 1/2 foot lane with a 3-foot shoulder and he is completely open to that.

Councilor Tracy agreed with Councilor Egan about not adopting a policy before we get the Active Living Plan information. She is comfortable narrowing the focus to the roads that need immediate attention. She also agrees that it makes sense to get information from other sources and PACTS appears to be a reasonable source but wonders whether we might be able to get information from communities that have already been through an Active Living process.

Chair Hendricks would welcome a happy medium between what is safe for car travel and what is safe for pedestrians. He doesn't believe we need 4 or 5-foot pedestrian lanes and a 9 foot car travel lane. He is confident there can be some happy medium in between. In the future, when the possibility arises where we have a wide enough street and we can have 10 1/2 foot travel lanes and 3-4 foot shoulders and we can afford it, obviously that is a possibility. In this situation, he would be happy with a "happy medium". Chair Hendricks advised Mr. Presgraves that the direction he is going to get from the Council is to take this all into account and come up with something as our road expert. It is Mr. Presgraves' final decision when it comes to that in what he feels is equitable.

Mr. Presgraves noted that barring any information from PACTS or other experienced towns, he feels he can try a 10 1/2 foot lane on South Street as an experiment and if these people he talks to believes a 10 foot lane would not decrease safety, he might even decide to do that. He will at least go with a 10 1/2 instead of 11 as an experiment but it is still subject to further research.

**Recess taken at 7:45 p.m. and tables were set up with portable microphones**

3. Discussion on the Fiscal Year 2014 Operating, Capital and TIF Budgets for the Town of Freeport

Chair Hendricks explained that in speaking with the Town Manager and the Finance Director, the Town's financial policy keeps rearing its head during budget discussions. Both the Town Manager and the Finance Director are spending considerable time on the idea of our reserve policy and financial policy. They have reached the point where they don't feel comfortable going too much further without knowing if there is going to be Council discussion on it or not. He suggested going around the table and discussing whether Councilors want to entertain discussion on our total financial policy so he can give them direction.

Starting with himself, Chair Hendricks advised that he is completely comfortable with our financial policy as it stands and would rather not have further discussion on it. Councilor Egan noted that the Council spent a considerable amount of time last year looking at the overall financial policies. She is comfortable with them and would not support revisiting them. Councilor DeGrandpre is at the same place and agreed to not revisit them right now. Councilor Gleeson is new but trusts the people that did spend a lot of time looking at the financial policies. He is not willing to review them right now. Councilor Tracy noted she had not been through the previous process but would support having further discussions on our financial policies because residents have been asking valid questions. She is willing to entertain them. Councilor Sachs noted she attended many meetings last year and is comfortable with the policy now but can go either way. She is unsure what questions there may be other than the amount of reserves in our fund balance. Councilor Wellen is not 100% informed of the issues raised but would agree with Councilor Tracy to have a discussion and go over some valid points. Chair Hendricks noted the vote is four against, two for and one on the fence so the majority is unwilling to have further discussions at this time. He instructed the Town Manager and Finance Director that if this question arises again, they can state that the Council is not going to make any changes to our financial policy. Councilor DeGrandpre pointed out that the Council did say it would look at these things every three to five years unless there is some substantial change in the economy or whatever else. He feels our policy is sound at this point. Councilor Tracy noted that it would be fair to take a temperature next year to see if the Council wants to look at it or not.

Chair Hendricks moved on to the budget.

**General Assistance**—Councilor Tracy raised questions, which Johanna Hanselman and Mr. Joseph addressed. The Heating Fuel Fund helped 46 families this past season. The budgeted amount is \$33,000 and Ms. Yacoben suggested going to \$30,000. The sentiment of the Council is to decrease the \$33,000 to \$30,000 but advised Ms. Hanselman that she can return to the Council if an emergency arises.

**Cable**—Rick Simard explained that the \$15,000 Capital is for planned computer upgrades for hard drive space for Cable. They are also looking to consolidate all their storage space for editing with one drive. Their vehicle is 13 years old and in great shape but it needs regular maintenance. He explained that the \$4,800 pays for video on demand. Mr. Joseph suggested turning to page 47. He wanted to point out on the revenue side there is a transfer from cable fees and explained the Cable Reserve Fund.

**Finance** on page 3—Ms. Yacoben explained that there are 4.25 staff or less. \$3,000 is budgeted for employee travel and Ms. Yacoben advised that she and her employees attend conferences. It appears her training budget may be charged for mileage when it should be charged to travel. She expects that the training will require the amount budgeted since she is planning to attend a conference. She also mentioned that under "Other Wages," it is not the best labeling but she left it this way because she shared 10-12 hours a week with the RSU for IT support. We are beginning to be too big to have 10-12 hours a week be sufficient so two summers ago Freeport and Yarmouth did a joint bid to and awarded the contract

to someone out of Portland. This is all of our back-ups, service calls and labor type things for IT not Capital type things. At some point she will rename that.

**Solid Waste** on page 27. Chair Hendricks met with Mr. Joseph and Ms. Yacoben this morning. They earmarked a few things where we could see some decreases and Mr. Presgraves agreed. Under Overtime Wages, decrease from \$4,000 to \$3,000; under Public Education, decrease from \$5,000 to \$3,000. Discussion followed on EcoMaine. Freeport has seen a reduction in our rates but we are unsure of our volume. Public education and composting was discussed. \$10,000 was budgeted for leachate and Mr. Presgraves recommends reducing it to \$9,000. For Clean-up Week Mr. Presgraves estimated \$10,000 was spent last year. They track the disposal amount by what they pay to get rid of it.

**Town Engineer** on page 29—Mr. Presgraves explained the storm water program and that there are costs associated with it. An annual fee is paid to the Cumberland County Soil and Water Conservation District because we are connected to Portland through the Urban Census classification system. \$2,400 is budgeted for employee training and Mr. Presgraves is planning to go to a national conference in early September.

**Hunter Road Fields & Maintenance**—page 49, Mr. Joseph explained that the appropriation to construct the Hunter Road Fields project included three years of maintenance based on an estimate not knowing what the maintenance costs would be when the facility was built. \$118,000 is a good estimate of what the cost will be for the next several years. Councilor DeGrandpre shared some historical information and noted that the relationship with the RSU has worked well. Teams playing on the fields should be paying a fee and Councilor DeGrandpre offered to look into where the collected fees are.

**Bustin's Island**—page 32, Councilor DeGrandpre noted that Bustin's Island is an island village corporation and Freeport returns 60% of their taxes to them and they manage everything.

**Promotions**—Chair Hendricks met with Mr. Joseph and Ms. Yacoben this morning. For the Memorial Day Parade, the amount for 2014 should be reduced from \$2,750 to \$500. On July Fourth, decrease the amount from \$2,000 to \$1,000. Those things will happen. For Recognition—Bump the amount to \$1,500.

**Planning, Travel**—Ms. Yacoben noted that the Planner did attend a conference in Chicago recently. Mr. Joseph explained that this would be a reimbursement and the amount could lag behind two weeks to a month. Under "Other Wages" Ms. Yacoben mentioned that this could cover Minutes being taken at meetings. She also explained that "Purchase Professional Services" covers things such as mapping, etc. Councilor Tracy asked if the \$4,000 could be reduced to \$2,000. Ms. Yacoben did not know but offered to check with the Town Planner. Councilor Tracy asked about "Board Studies" and asked if the budgeted amount could be reduced from \$1,200 to \$600. Ms. Yacoben will run it by the Town Planner.

**Board of Appeals**—Mr. Joseph noted that the amount budgeted would be to cover Minute taking at meetings.

**Coastal Waters**—Building Maintenance is for paint and Jay is not up to painting it himself. Mr. Joseph will ask him to justify his spending. Floats—Mr. Joseph explained that there is a bill that is outstanding and two \$1,500 expenses for driving pilings and \$4,500 is accurate. For Protective Active Equipment, this is for life vests, etc. and Mr. Joseph will ask Jay if he has any idea what he is planning. Councilor DeGrandpre is comfortable with \$1,500 but agreed to ask Jay. He is planning some work to be done on the wharf. Councilor Sachs noted it appears that some travel got put into the training line and Ms. Yacoben agreed.

**Conservation Commission**—No changes

**Shellfish**—Surveying of flats and water testing. Ms. Yacoben explained there is a special revenue fund where the Shellfish License Fee structure has an additional add-on fee, which goes into the special Clean Water Account. She suspects the \$2,000 will be spent this year and suggested holding it at \$2,000.

**Misc. & Contingency**—Ms. Yacoben explained that the Snowmobile Club Membership fee is \$1,050 and the State gives Freeport a rebate of \$1,700 or \$1,800. Ms. Yacoben will look into where this is located. No change was suggested. Ms. Yacoben explained the transfer line for transfer to reserve.

**Traffic & Parking**—Chair Hendricks explained that this is for Consultants

**Postage on Page 7**—Chair Hendricks recommended decreasing \$21,000 to \$18,000. Councilor Sachs asked if Chair Hendricks wanted to address the Website Maintenance Budget on the same page. Chair Hendricks noted that whether the Council places funds in any spot is up to them at the end. He plans to go back to this at the end.

**Building Maintenance on Page 8**, Ms. Yacoben noted that Brent is worrying about going over \$40,000. He is generally pretty frugal and if he needs to fix something, he will want to fix things such as a leak in the roof. A majority was willing to leave it alone.

**FCS Lease**—Chair Hendricks suggested that Councilors bring their lease questions to Mr. Joseph and Ms. Yacoben.

**Funding The Port via TIF**—Chair Hendricks was asked this question and in talking with Ms. Yacoben learned that it is recreation and excluded.

**Memo From Albert Presgraves**—Mr. Presgraves feels it is a bad idea to decrease the amount of paving work. We will only get ourselves in trouble. Earl Gibson explained the paving budget and \$525,000 will catch us up for the last three years. He assured the Council that this would not be at the same level next year.

**Departments paying for their own training such as EMTs**—Ms. Yacoben was not aware of any other department paying for their own training. Some EMTs are part-time employees and we do pay for half of their training to increase their professional status.

**Fire Overtime Wages on Page 16**—Chair Hendricks explained that Mr. Joseph and Ms. Yacoben suggested decreasing the \$13,000 to \$8,000 for this year after reviewing the historic numbers. The figure has been trending downward.

List of Wants or Needs that were taken out of Budgets:

- Communications Committee—Councilor Egan suggested eliminating Mind Mixer since it was Staff recommendation.
- Town Manager Line—Take out \$1,000 for Training and \$2,000 for Travel.
- Finance—\$2,000 under Equipment Repair, Under Codes there was \$1,400 under Travel.
- Town Clerk—Decrease the \$1,100 for tables to half
- General Admin—Take out the \$1,000 for the Town Report but it will not be eliminated.



- Web Maintenance—\$17,940 was taken out.
- Police—\$25,000 for the second new squad car and \$8,000 for equipment. We will be getting two cars on two budgets but really almost in the same year. (One car is getting moved to Capital)
- Under Agencies, \$5,000 for the Port Teen Center

Chair Hendricks would like to fund the Port Teen Center and perhaps more Web Maintenance but he does not want to get into that discussion tonight. It will take place at our next Council meeting when we get into specific cuts and whatever add-ons we want to make. At the next meeting, Chair Hendricks will go through department by department and Ms. Yacoben will have a revised budget for us. If there are additional cuts, we will go section by section. Ms. Yacoben clarified that she would provide a clean set of inserts for Mr. Joseph and Chair Hendricks and anyone else that would like one. She will also do a memo containing page numbers and budget line items.

Councilor Egan asked when the Council would be revisiting the Shellfish Budget. Mr. Joseph explained that the Council would appropriate the full amount that is in the Capital program but would only authorize us to spend up to \$35,000. There would be a \$5,000-10,000 increase in authorization.

Councilor Wellen explained that when people are employed by the Town, they can choose a pension system or a matching system for retirement. If they choose a matching system and put in 7%, the Town matches 10%, which appeared quite high to him. He did research and learned that some towns do not have this set-up where they have a choice. Freeport is 10%, Lewiston is 6 ½%, Portland is 7 ½%, Brunswick is 6%, Biddeford is 5% and Falmouth is 8%. He feels Freeport is over the top. Some of the folks are in a union and others are non-union. He agreed that it may be contractual for some employees. The Police Department has the only unionized employees. He feels contracts can be renegotiated.

If the Council did make this change, employees would realize that they are still getting a pretty good deal as far as benefits overall. He is aware this is a sensitive issue but it is something to think about. He recommends changing it to 7 ½% and it would generate considerable savings.

Mr. Joseph noted that this is a sensitive subject because it would represent a pay cut to employees currently in the plan. We have 14 employees that would be affected and explained how the current systems work.

Councilor DeGrandpre noted that if the Council is willing to have this conversation, he would need to know a whole lot more about wages and compensation for those folks so that the Council knows what it is talking about.

Councilor Egan discussed with Councilor Wellen that one approach on this is to do a comprehensive review of compensation and benchmark us against other communities in Maine. We would look at retirement benefits, health care, salaries, the step program for raises and see where we rank as we look at other communities so we are taking a comprehensive look at compensation and then we can address it in a thoughtful data-based manner, the different policy questions such as where in that range do we want Freeport to be. Do we deal with current employees or do we only deal with new employees? The thought would be to do a comprehensive study of it rather than making a decision in this budget cycle without having a broader understanding. She personally wants Freeport to be competitive and make sure we don't have high turnover. She would lean towards being at the higher range but not the Cadillac version.

Chair Hendricks asked if this is a discussion the Council wants to have. He is hesitant to change the benefit structure of existing employees because they don't have a choice to switch out of a plan and they had expectations that this is what the plan was going to be. He could possibly entertain the possibility

with new hires of a shift going forward. He wants to know if this is something Councilors want to do. If not, he would rather not waste the time and have further discussion. Councilor Wellen wants a discussion item on the agenda to determine if we move forward and hire someone to look at it.

Councilor Sachs is willing to look at it in a thoughtful way. Councilor Tracy feels it is worth looking at it because it represents big numbers. Councilor Gleeson agreed to discuss it but would be hesitant to modify anyone who has already been employed here and change their existing plan. Councilor DeGrandpre agreed with Council Gleeson. He feels compensation packages are different than just what someone's wage is. We have an agreement with the folks that work for us and have been compensating them in a certain way for a long time. Making a change because folks in other communities do it differently does not appear to be fair. He is unclear what the benefit of going forward with new hires might be. We have a lot of folks that have been here for sometime and have a lot of experience. We will have some changes with folks moving on and retiring anyway. He is willing to take the look but is a little hesitant.

Councilor Egan feels that as part of the Council's fiscal oversight and duty, it should take a hard look at it. We have some big opportunities in the future as people retire, to make sure that benefit packages going forward are ones Freeport taxpayers can afford and they are the biggest numbers in our Operations budget. As part of the budgeting process, she suggested that the Council think about how much it would cost to hire someone to do a good job on this, gather the data that has already been developed on salaries, look at what MMA has and consider putting something in the Operations Budget to actually fund the study. The other option would be to do it in-house. We could actually do it with staff time and it would not impact our budget. We would just have to decide whether we feel like residents and the Council would be comfortable having the staff develop the data that would actually impact the staff. It would be good to have a decision on this sooner rather than later if we want to add something into the Operations Budget. If we wanted to go with a consultant, then we would have the ability to do it before the next budget season. She feels it is important for the Council to go forward with this.

Chair Hendricks is real hesitant about moving this forward. He has concerns with cost. This discussion will not take place on June 4. Councilor Egan noted the Council could get estimates and then decide if we want to have it done in-house if the Council decides to go forward. Chair Hendricks noted it appears there is sentiment to go forward. Chair Hendricks instructed Town Staff to attempt to get consultants' estimates on costs as well as what you might feel on in-house time commitment. Employee hours would be a cost.

Councilor DeGrandpre would prefer to look at what benchmark work has been done already before moving forward. We can see what we already have. Mr. Joseph noted that if the Council wants staff to do data collection and bring it forward for discussion, it is different than hiring a consultant. Councilor DeGrandpre suggested contacting MMA to determine if they have done anything like this.

Ms. Yacoben noted that we have comparables in the Police contract and the non-unionized employees have comparables and she is assuming not making radical changes. There are 14 towns involved. Chair Hendricks asked her to come back with this information to discuss on the 4<sup>th</sup>.

Mr. Joseph noted that we have employees that are long term and does not want to do anything to drive them away. He suggested making changes starting with new employees. Councilor Wellen noted that the Council can be real sensitive to all employees but he is sensitive to taxpayers and feels he has to look at the whole picture.

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**MOVED AND SECONDED:** to adjourn at 10:30 p.m. (Egan & DeGrandpre)  
**VOTE:** (7Ayes)

Respectfully submitted,  
Sharon Coffin, Council Secretary

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #12-13**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**TUESDAY, JUNE 4, 2013 - 6:30 P.M.**

|   | <u><b>PRESENT</b></u> | <u><b>ABSENT</b></u> | <u><b>EXCUSED</b></u> |
|---|-----------------------|----------------------|-----------------------|
| Rich DeGrandpre, 11 Timber Ridge Road   | x                     |                      |                       |
| James Hendricks, 21 West Street         | x                     |                      |                       |
| Kristina Egan, 5 Weston Point Road      | x                     |                      |                       |
| Melanie Sachs, 84 Kelsey Ridge Road     | x                     |                      |                       |
| Andrew Wellen, 83 Hunter Road           | x                     |                      |                       |
| Scott Gleeson, 23 Park Street           | x                     |                      |                       |
| Sarah Tracy, 75 Lower Flying Point Road | x                     |                      |                       |

Chair Hendricks called the meeting to order at 6:38 p.m. and took the roll.

**FIRST ORDER OF BUSINESS:** Pledge of Allegiance

Everyone stood and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the Minutes of Meeting #11-13 held on May 21, 2013 and to accept the Minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the Minutes of Meeting #11-13 held on May 21, 2013 and to accept the Minutes as printed. (DeGrandpre & Egan) **VOTE:** (7 Ayes)

**THIRD ORDER OF BUSINESS:** Announcements

Councilor Tracy announced that tomorrow morning at 7:30 a.m. the Natural Gas Committee will be meeting in Council Chambers. This is a small group and the public is welcome to join them.

She will be having her coffee hours this week on Friday, June 7 beginning at 7:30 a.m. If anyone wants to swing by, she will be happy to hear what he or she wants to say about town business and will be happy to chat. Next Tuesday, June 11 is the vote on the renovation of Freeport High School. She is wearing a Freeport High School shirt supporting the renovation in her personal capacity and hopes that residents will come out and cast their votes.

Councilor DeGrandpre announced that Freeport Fire and Rescue has a golf tournament planned for Tuesday, June 25. It is \$75 per golfer in teams of four. It's a shotgun that starts at 9 a.m. and best ball scramble. He suggested that everyone practice their driving—not so much with a golf club but with a cart. The proceeds will help to support the operation of the Stan Davis Fire/Rescue Museum and purchase of life safety equipment for Freeport Fire Fighters and EMTs as well as Freeport area education and scholarships. He noted it is a great cause and a lot of fun. Anyone interested can call Freeport Fire and Rescue at 865-3421 and they can help get people signed up.

Chair Hendricks announced:

- The current discussion topic on Freeport Talks is how can the skating pond at Leon Gorman Park be reused? The pond doesn't hold water well enough to sustain a skating area when the weather otherwise would allow it. What do you think should be done? Please provide your input by going to [www.FreeportTalks.org](http://www.FreeportTalks.org).

- This year residents will have more time to get their waste material to the Recycling Center and Spring Clean-Up will be the entire month of June. By now each Freeport household should have received a flyer in the mail from the Town which includes a coupon (good for one free load per household) and a list of acceptable household items which can be disposed. Acceptable material can be brought to the Recycling Center throughout the month of June during regular operating hours (Wednesday-Friday, 8 a.m.-4 p.m. and Saturday, 9 a.m.-4 p.m. For more information, residents can call 865-3740. Freeport also has purple household hazardous waste coupons available at the Recycling Center during the month of June. This program was established to give residents a responsible way to dispose of their household hazardous waste. One coupon per family can be picked up free of charge during the hours of operation at the Freeport Recycling Center in June. It is worth \$20 at the City of Portland's Riverside Solid Waste facility. Any cost above the \$20 will be paid by the resident. Residents will have to provide their name and address. They are available on a first come, first serve basis and there are only 100 coupons available. Please note that the Riverside Recycling Center is only open on the first Saturday of the month, April through November, 7 a.m.-4 p.m.
- Please mark your calendar for Winslow Park's Annual Family Fun Day sponsored by Winslow Park and the Rotary Club on Saturday, June 22<sup>nd</sup>. There will be games, BBQ, ice cream, a live performance by the Mallett Brothers Band. The Close to the Coast Race starts at 9 a.m. and all proceeds go to Freeport Economic scholarships.

Winslow Park is looking for donations of any old basketballs, soccer balls, Frisbees, horseshoes, volley balls, etc. for people to use while at the park. If you'd like to make a donation, please drop it off at the park (while you are enjoying Family Fun Day!) or at the Town Manager's office at the Town Hall.

- There are two Commercial Shellfish licenses coming up for lottery in June:  
One Non-resident Commercial Shellfish License  
One Resident Student Commercial Shellfish License  
Applications for the lottery are now available at the Town Clerk's Office until June 13<sup>th</sup> and the lottery will be held on Monday, June 17<sup>th</sup> at 3 p.m.

Applications for Recreational Shellfish Licenses are also now available for the July 1, 2013 to June 30, 2014 licensing year. For more information, please contact the Town Clerk's Office.

- There is going to be a performance of "The Bay Men", a documentary movie at the Freeport Performing Arts Center on June 15 at 7 p.m. It is open to the public and it's free but donations can be made to the Freeport Shellfish Commission's Clean Water Fund. It is a 10-minute public education video on clean water.
- The RSU#5 Bond Referendum and Budget Validation Referendum Elections will both be held on June 11<sup>th</sup> at the High School beginning at 7 a.m. Polls close at 8 p.m.

RSU#5 Bond Referendum absentee ballots are currently available at the Town Clerk's Office. The deadline to request an absentee ballot is Thursday, June 6<sup>th</sup> at 6 p.m.

Mark your calendar for the following Freeport Historical Society summer events:

1. The 2<sup>nd</sup> Annual Harraseeket Heritage Days and Harborside Gala, at Brewer South Freeport Marine on Saturday, June 22<sup>nd</sup>.
2. The 4<sup>th</sup> Annual Vintage Baseball Game at historic Pettingill Farm, Sunday, June 23<sup>rd</sup> at 1:30 p.m.

3. Guided Freeport Village Walking Tours start June 13<sup>th</sup>, 3 p.m. and June 15<sup>th</sup>, 9 a.m. and continue each Thursday and Saturday through Labor Day.

For more information on these events, please call 856-3170.

**FOURTH ORDER OF BUSINESS:** Information Exchange

Councilor DeGrandpre noted that the Municipal Facilities Committee met last week and did a site walk at the DiPietro property. He found it interesting to see what is there and what is on the ground. They plan to meet again to discuss making a recommendation and how to move forward with it. As soon as they have more information, he will bring it to the Council's attention. As soon as the meeting is scheduled, it will be added to the Town's calendar and it will be accompanied by an agenda. Their meetings are held mornings here in the Council Chambers.

Councilor Tracy advised that the Natural Gas Committee had its first meeting last Wednesday morning and there was good discussion. The Town Planner has gotten a lot of information from Maine Natural Gas about rough numbers on what it might cost to hook into the existing gas lines and expand the gas lines to Freeport residents. The committee is working on getting more specific information and questions for Maine Natural Gas to figure out if there are any other options to decrease costs. They are meeting again tomorrow morning to continue the process.

**FIFTH ORDER OF BUSINESS:** Town Manager's Report

Mr. Joseph reported:

- Officer Jerod Verrill of the Freeport Police Department graduated from the Basic Training program at the Maine Criminal Justice Academy on May 24, 2013. His peers voted him President of his class. Officer Verrill returned to regular patrol duties on May 26, 2013. Congratulations Officer Verrill!
- Several Town paving overlay projects are scheduled to begin in the next few weeks and be completed by early July. Streets scheduled for overlay during this time period include South Street, School Street, Royal Avenue, Middle Street, Mechanic Street, Kendall Lane and Heritage Lane. Expect delays when traveling along these routes. If anyone has questions, they can call Public Works at 865-4461.
- MDOT has begun a project to re-pave North Main Street/U.S. Route 1 between Maple Avenue and I-295 Exit 24. Drainage improvements and new granite curbs will be installed on both sides of the road between Maple Avenue and East Street. During this work, the road will be disturbed and delays can be expected. The project is scheduled to be completed on or before June 3, 2013. Questions and concerns regarding this project should be addressed directly to MDOT's project representative, John Mayol at 415-6603. The Town has no input on this project.
- Central Maine Power is conducting tree trimming town-wide, in order to protect their lines throughout the town. CMP contracted trimming crews are leaving wood on the ground below the lines. This wood is generally available to the public. If anyone would like any of this wood, please call CMP first to confirm that it is available and not already claimed or private property. If anyone has questions, please contact CMP representative, Mei-Ling Cheung directly at 721-8071. This is not a Town project.

A discussion followed on possibly collecting this wood and giving it to a needy family. Mr. Joseph explained a liability problem that could exist but perhaps it could be handled as “neighbor-helping neighbor” but residents must call CMP first and get permission to take it and drop it off at a neighbor’s home. If anyone comes up with a suggestion, he would be happy to discuss it with him or her.

- A \$15,000 grant from the Community Development Block Grant Program has been awarded to the Town of Freeport on behalf of the Freeport Elders Association for the purchase of a bus. The bus will hold 15 passengers and will be complete with a lift for easy accessibility. The Elders have raised over \$49,000 over the last several years for the bus and this grant will complete their fundraising efforts. The bus will be used for regular trips for shopping, to parks, theaters, museums, cemeteries, the “Y” and other points of interest. The bus should be ready for purchase in September.
- On June 5 at 6 p.m. in the Council Chambers of the Town Offices, Pete Slovinsky of the Maine Geologic Survey will present a talk on potential sea level rise in Maine and how this phenomenon might impact the Freeport coastline. This presentation will be held at the regularly scheduled Planning Board meeting. The public is welcomed and encouraged to attend. Town Councilors and Town employees are welcomed to attend.
- A new Writers’ Workshop program begins at the Freeport Community Library on June 6<sup>th</sup>. The workshop will begin meeting on the Library sun porch from 12:30 p.m. to 2:30 p.m. The group is intended to help new and novice writers hone their craft through mutual collaboration and inspiration. The group will be limited to a maximum of 12 members. For more information, please contact the coordinator/facilitator of the group, Pam Blake at [pamblake@AOL.com](mailto:pamblake@AOL.com) and include your telephone number. Beth Edmonds noted there are five spots left.
- On June 15<sup>th</sup>, Sherman’s Bookstore will host Jack Perkins at the Freeport Community Library. Mr. Perkins is a former NBC Journalist and Biography Host. He will be speaking at the Library at 6 p.m. on his recently published book *Finding Moosewood: Finding God*. The Library is co-hosting the presentation and providing light refreshments.
- On July 8<sup>th</sup>, Bud Warren will present “Explore Maine’s Lighthouses” beginning at 7 p.m. at the Freeport Community Library. After graduating from Yale, Bud taught and worked at Bath Iron Works. He has also guided groups like Smithsonian Associates, National Trust for Historic Preservation, and Elderhostel. A longtime favorite speaker at the Maine Maritime Museum, the Library is pleased to have Bud sharing the facts and folklore of Maine lighthouses at the Library this summer.

**SIXTH ORDER OF BUSINESS:** Public Comment Period – (Non-Agenda Items Only)

**MOVED AND SECONDED:** To open the Public Comment Period on Non-agenda Items only (DeGrandpre & Wellen) **VOTE:** (7 Ayes)

Peter Moulton of Route One and also an owner of a West Street property noted that in fairness to current Freeport property taxpayers, he feels the Town in its Town Reports and on the Net should make available the forms residents are allowed to purchase or view for every non-profit organization that operates in Freeport. The Town should also publish their current property evaluations if they are property owners so that everybody can see without coming down to Town Hall and going through books how much non-paying property there is in this town. He feels he is supporting every one of them with his taxes and he has the right to see this. If it appears they are operating businesses, they should be looked at every three to four years. When the “Y” came in, they said they would not be competing with anyone in this town. It is

no longer true; they are competing with people in Freeport. He noted that times change and non-profits compete with people in this town trying to make a living. He feels this should be looked at very closely and he should have access to these figures. He feels it will be surprising to learn how much non-paying property there is in this town. He requested that the Council take a look at this later and try to move it along. Everything else is on the Net. When he pays his taxes, he is paying for their Police services, their Fire services and everything else. He feels he should have access to it and wants the Council to take this into consideration before the next tax season comes along.

Beth Edmonds from the Freeport Community Library reminded everyone that tomorrow the Summer Reading Program starts. Last year they had 300 young people sign up. She noted that the Friends of the Freeport Community Library have volunteered to come and help them tomorrow because they expect an onslaught. If anyone has a young person that likes to read, or you want to make sure that they keep reading over the summer, please come down. While it starts tomorrow, readers can sign up within the next two weeks or beyond.

**MOVED AND SECONDED:** To close the Public Comment Period (DeGrandpre & Tracy)  
**VOTE:** (7 Ayes)

**SEVENTH ORDER OF BUSINESS:** To take action on the following items of business as read by the Council Chairperson.

ITEM #107-13                      To consider action relative to adopting the June 4, 2013 Consent Agenda.

**BE IT ORDERED:** That the June 4, 2013 Consent Agenda be adopted. (Hendricks & DeGrandpre)

Chair Hendricks reviewed the consent items for members of the public.

**ROLL CALL VOTE:** (7 Ayes)

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ITEM #108-13                      To consider action relative to an application for a Liquor License submitted by Sonya Voutour d/b/a Maine Shore Lobsterbakes, LLC located at 14 Ware Road, Freeport. **PUBLIC HEARING**

**MOVED AND SECONDED:** That the Public Hearing be opened. (Egan & Sachs) **VOTE:** (7 Ayes)

There were no public comments provided.

**MOVED AND SECONDED:** : That the Public Hearing be closed. (Egan & DeGrandpre)  
**VOTE:** (7 Ayes)

**BE IT ORDERED:** That an application for a Liquor License submitted by Sonya Voutour d/b/a Maine Shore Lobsterbakes, LLC located at 14 Ware Road, Freeport be approved. (Egan & Sachs)  
**VOTE:** (7 Ayes)

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ITEM #116-13                      To consider action relative to an application for a Liquor License submitted by Christian Erdmann d/b/a Jameson Tavern located at 115 Main Street, Freeport.

Mr. Joseph explained that this is the reincarnation of the Jameson Tavern under new ownership. This is



coming to the Council last minute because the applicant mistakenly forwarded the application to the State and it came back to them. This is simply to schedule a public hearing and is not to take any action this evening. They plan to reopen by the 4th of July.

**MOVED AND SECONDED:** That Item #116-13 be added to the agenda and be taken out of order. (DeGrandpre & Egan) **VOTE:** (7 Ayes)

**BE IT ORDERED:** That a Public Hearing be scheduled for June 18, 2013 at 6:30 p.m. in the Freeport Town Hall Council Chambers to discuss an application for a Liquor License submitted by Christian Erdmann d/b/a Jameson Tavern located at 115 Main Street, Freeport.

**BE IT FURTHER ORDERED:** That copies be distributed equally between the Town Clerk's Office, the Town Manager's Office and the Freeport Community Library for inspection by citizens during normal business hours and the notice be placed on Freeport's local cable channel 3 and the Town's website. (Gleeson & DeGrandpre)

**ROLL CALL VOTE:** (7 Ayes)

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ITEM #109-13            To consider action relative to proposed amendments to Chapter 21: Freeport Zoning Ordinance pertaining to Agriculture Section 104 Definitions and Sections 402, 403, 404, 405, 406, 409, 421, 422, 425 and 426.

**BE IT ORDERED:** That a Public Hearing be scheduled for June 18, 2013 at 6:30 pm in the Freeport Town Hall Council Chambers to discuss amendments to Chapter 21: Freeport Zoning Ordinance pertaining to Agriculture Section 104 Definitions and Sections 402, 403, 404, 405, 406, 409, 421, 422, 425 and 426.

**BE IT FURTHER ORDERED:** That copies be distributed equally between the Town Clerk's Office, the Town Manager's Office and the Freeport Community Library for inspection by citizens during normal business hours and the notice be placed on Freeport's local cable channel 3 and the Town's website. (Sachs & DeGrandpre)

**ROLL CALL VOTE:** (7 Ayes)

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ITEM #110-13            To consider action relative to the acceptance of State Funds for fiscal year 2014.

**BE IT ORDERED:** That the following categories for State Funds be accepted for fiscal year 2014.

1. Municipal Revenue Sharing
2. Local Road Assistance
3. State Aid to Education (including Federal pass-through funds and property pass-through funds and property tax relief)
4. Public Library State Aid per capita
5. Civil Emergency Funds (Emergency Management Assistance)
6. Snowmobile Registration Funds
7. Tree Growth Reimbursement
8. Veterans Exemption Reimbursement
9. Business Tax Reimbursement
10. All other state funds not included in items 1-9 (Tracy & DeGrandpre)

**ROLL CALL VOTE:** (7 Ayes)

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ITEM #111-13            To consider action relative to the operating budget for Winslow Park for fiscal year 2014.

**BE IT ORDERED:** That \$244,950 be approved for the Winslow Park budget from July 1, 2013 to June 30, 2014 and \$13,550 be approved for the Harb Cottage budget from July 1, 2013 to June 30, 2014. (Wellen & DeGrandpre) **ROLL CALL VOTE:** (7 Ayes)

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ITEM #112-13            To consider action relative to adopting a Non-emergency Transport (NET) budget for fiscal year 2014.

**BE IT ORDERED:** That the Non-Emergency Transport Budget in the amount of \$562,691 be approved for fiscal year 2014. (Egan & DeGrandpre)

**ROLL CALL VOTE:** (7 Ayes)

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ITEM #113-13            To consider action relative to the adoption of Fiscal Year 2013 Operating Budget for the Town of Freeport.

Councilor Sachs advised that she has a conflict of interest with several items in this Budget. She suggested removing two items from the Operating and TIF budgets. She will be proposing several amendments to the BE IT ORDERED if it pleases the Chair. Chair suggested reading the original BE IT ORDERED language and then making amendments.

**BE IT ORDERED:** That the following appropriations be made to the several departments for purposes named, that the following revenues estimated be adopted, and that the following amounts be raised by taxation, said action for fiscal year July 1, 2013 to June 30, 2014 Municipal Budget as printed on the agenda.

|  |                    |
|--|--------------------|
| <b><u>FY 2014 Appropriations</u></b>       |                    |
| General Government                         | \$ 1,419,267.00    |
| Protection and Enforcement                 | \$ 2,316,593.00    |
| Health and Welfare                         | \$ 100,757.00      |
| Public Works/Solid Waste                   | \$ 2,319,956.00    |
| Library                                    | \$ 412,926.00      |
| Unclassified                               | \$ 1,835,316.00    |
| Debt Services-Local                        | \$ 190,428.00      |
| County Tax                                 | \$ 858,284.00      |
| Human Service Agencies                     | \$ 38,200.00       |
| Bustins Island                             | \$ 172,000.00      |
| Community Center Building                  | \$ 40,000.00       |
| Abatelements                               | \$ 25,000.00       |
| EcoMaine Debt Contribution                 | \$ 102,792.00      |
| <b>Total Appropriations</b>                | <b>\$9,831,519</b> |
| <b><u>FY 2014 Estimated Revenues</u></b>   |                    |
| Non-Property Tax                           | \$ 1,306,300.00    |
| Intergovernmental                          | \$ 1,207,103.00    |
| Charges for Services                       | \$ 286,950.00      |
| Licenses and Permits                       | \$ 239,090.00      |
| Fines and Forfeitures                      | \$ 100,200.00      |
| Miscellaneous                              | \$ 311,884.00      |
| Library Lease Proceeds                     | \$ 175,000.00      |
| <b>Total Estimated</b>                     | <b>\$3,626,527</b> |
| Amount Transferred from Undesignated Funds | \$ 500,000.00      |
| Amount to be Raised by Taxation            | \$ 5,704,992.00    |
| <b>Total Revenues</b>                      | <b>\$9,831,519</b> |

**BE IT FURTHER ORDERED:** That the following appropriations be made for the capital items/projects listed below and that the capital budget for FY 2014 be adopted as printed in the agenda.

|                                 |  |                   |
|---------------------------------|--|-------------------|
| Police                          | Update Mobile Data Terminals                           | \$ 25,000         |
|                                 |  |                   |
| Fire                            | Protective Clothing                                    | 15,000            |
|                                 |  |                   |
| Rescue                          | Electronic Run Reporting Update                        | 15,000            |
|                                 | Protective Clothing                                    | 14,000            |
|                                 | Rescue Equipment                                       | 160,000           |
|                                 |  |                   |
| Public Works                    | Truck Chassis Replacement (12 Yard Dump)               | 115,000           |
|                                 | Sidewalk Plow (Refurbished) Shared with TIF            | 27,500            |
|                                 | Pick-Up Truck with Plow                                | 40,000            |
|                                 | Dump Bed Plow and Wing Attachment                      | 94,000            |
|                                 |  |                   |
| Solid Waste                     | Scales and Computer                                    | 6,000             |
|                                 | New compactor for residential waste                    | 24,000            |
|                                 |  |                   |
| Comprehensive Town Improvements | Hunter Road and Pownal Road Fields Stormwater Improv   | 59,000            |
|                                 | Raised Speed Table on South Freeport Road at Soule Sch | 2,600             |
|                                 | Active Living Project                                  | 24,000            |
|                                 | Torrey Hill Range Road Drainage and Overlay            | 150,000           |
|                                 |  |                   |
| Municipal Facilities            | Computer Upgrades -Townwide                            | 21,000            |
|                                 | Building Maintenance Trailer                           | 7,000             |
|                                 | Roof-Salt Shed   | 28,000            |
|                                 | Roof-Pine Street Vault                                 | 18,000            |
|                                 | Revaluation Reserve Fund                               | 10,000            |
|                                 |  |                   |
| Cable Television                | Equipment replacement                                  | 15,000            |
|                                 | Equipment and other improvements (channel 14)          | 4,000             |
|                                 |  |                   |
| Boards and Committees           | Shellfish Commission Habitat Improvement               | 71,000            |
|                                 |  |                   |
|                                 | <b>Total FY 2014 Capital Budget</b>                    | <b>\$ 945,100</b> |

**BE IT FURTHER ORDERED:** That the following amounts be appropriated from the Reserve Funds to provide for the items approved as printed in the agenda.

|  |                   |
|--|-------------------|
| Police Reserves                                      | \$ 25,000         |
| Fire Reserves  | \$ 15,000         |
| Rescue Reserves                                      | \$ 189,000        |
| Public Works Reserves                                | \$ 276,500        |
| Solid Waste Reserves                                 | \$ 30,000         |
| Public Infrastructure Reserves                       | \$ 235,600        |
| Municipal Facilities Reserves                        | \$ 84,000         |
| Cable Television Reserves                            | \$ 19,000         |
| Other Reserves                                       | \$ 71,000         |
|  |                   |
| <b>Total FY 2014 Capital Transfer from Reserves:</b> | <b>\$ 945,100</b> |

**BE IT FURTHER ORDERED:** That the following appropriations be made for the items and projects listed below and that the Destination Freeport TIF budget for FY 2014 be adopted as printed in the agenda. (Egan & DeGrandpre)

Councilor Sachs explained her conflict of interest is because she accepted a position last evening with Freeport Community Services and there are items that she needs to take out of consideration because she cannot talk about them and will be removing herself from the room.

113-A-13 **BE IT ORDERED:** That the following appropriations be made to the several departments for purposes named:

FY 2014 Appropriations

|                             |                    |  |
|-----------------------------|--------------------|--|
| General Government          | \$ 1,419,267       |  |
| Protection and Enforcement  | \$ 2,316,593       |  |
| Health and Welfare          | \$ 100,757         |  |
| Public Works/Solid Waste    | \$ 2,319,956       |  |
| Library Unclassified        | \$ 412,926         |  |
| Debt Services-Local         | \$ 1,835,316       |  |
| County Tax                  | \$ 190,428         |  |
| Bustins Island              | \$ 172,000         |  |
| Abatements                  | \$ 25,000          |  |
| EcoMaine Debt Contribution  | \$ 102,792         |  |
| <b>Total Appropriations</b> | <b>\$9,753,319</b> | (Sachs & DeGrandpre)                   |
|                             |                    | <b><u>ROLL CALL VOTE:</u></b> (7 Ayes) |

Chair Hendricks asked if anyone had any questions on the budget revisions provided by the Finance Director. Ms. Yacoben explained that the only item that Staff did not have clear direction on was the Port Teen Center. It will be dealt with at the next reading.

Ms. Larson explained that Mind Mixer would end in July.

Councilor DeGrandpre suggested moving more quickly by asking Councilors if they have any lines in the budget they want to discuss since the Council went through the budget carefully. Chair Hendricks indicated that this sounded good to him. He asked if anyone has any changes to propose other than anything that is related to Community Center or Human Services.

Councilor Gleeson is comfortable where the Council is on the budget. He hasn't had an opportunity to make sure that all the changes proposed were actually transferred to the document but he trusts that Ms. Yacoben has done that.

Councilor DeGrandpre is pretty much in the same place as Councilor Gleeson. He has spent a lot of time with department heads and is confident we will spend only the money we need to do the job we have to. Any budgeted money we don't need to spend will roll into the following year. He is comfortable where we are.

Councilor Sachs noted that all of the changes from her list are reflected in the new budget.

Ms. Yacoben addressed Councilor Tracy's question regarding Supplies, Account No. 109-6000.

Councilor Wellen is all set.

Councilor Egan suggested that next year when the Council is putting the budget together that they look at the Web Maintenance item. The Communications Working Group talked about doing some revamping of that website. She does not feel they are at a point that they know exactly what they want to do. She would like to flag this as something we might want to do next year and try to do some better archiving so it is easier for people to find what they want and make it more user friendly. She is fine with this year's allocation but does not want to lose track of that conversation as we move into next year.

Chair Hendricks noted he is fine. He thanked Ms. Yacoben for putting the new packet together for the Council. He asked Councilor Egan to read the FY 2014 Appropriations.

FY 2014 Appropriations

|                             |                    |                                 |
|-----------------------------|--------------------|---------------------------------|
| General Government          | \$ 1,419,267       |                                 |
| Protection and Enforcement  | \$ 2,316,593       |                                 |
| Health and Welfare          | \$ 100,757         |                                 |
| Public Works/Solid Waste    | \$ 2,319,956       |                                 |
| Library Unclassified        | \$ 412,926         |                                 |
| Debt Services-Local         | \$ 1,835,316       |                                 |
| County Tax                  | \$ 190,428         |                                 |
| Bustins Island              | \$ 172,000         |                                 |
| Abatements                  | \$ 25,000          |                                 |
| EcoMaine Debt Contribution  | \$ 102,792         |                                 |
| <b>Total Appropriations</b> | <b>\$9,753,319</b> | (Egan & DeGrandpre)             |
|                             |                    | <b>ROLL CALL VOTE: (7 Ayes)</b> |

Councilor Sachs recused herself at this time because of her conflict of interest.

113-B-13      **BE IT ORDERED:** that the following appropriations be made to the two departments for purposes named as they have been removed from Item 113-A-13:

Human Service Agencies for \$38,200 and the Community Center Building for \$40,000. The total is \$78,200 and this is part of the Town's General Fund appropriation. When added to Action Item 113-A-13 this brings the total General Fund appropriation to \$9,831,519. (DeGrandpre & Egan) **ROLL CALL VOTE:** (6 Ayes) (1 Recused—Sachs)

Chair Hendricks referred to page 21 and mentioned the Port Teen Center. Darren Dechesne, Port Teen Center Director explained that he is new and is unaware of the funds received last year. He mentioned that without the necessary funding, the hours of operation at the center would be cut dramatically. Chair Hendricks proposed reinstating the funds to the same level as last year. Last year the Council funded them \$7,500 and this year only proposed \$2,500. During deliberations, money was squeezed out of other areas and he hopes it can be added to the Teen Center.

Councilor Egan supports adding the money back in. She recalled the discussions that took place last year. She feels it is an important part of our education system overall and it makes sense to support it.

Councilor Wellen is willing to support the Teen Center and suggested keeping all the Freeport-based groups at the level of funding that they are at but decrease all the other ones by 20% to try to get to revenue neutral on this issue. He wants to show the public that the Council can cut budgets and worked hard at it. Next year he would like the Council to find out if surrounding towns fund this many social service agencies. Chair Hendricks pointed out that while these groups may not be Freeport based, the numbers of Freeport residents served by those groups is staggering.

Councilor Tracy is willing to fund the Port Teen Center at the same amount it was funded last year since it provides an essential service and the fact that it houses teens after school at critical periods of the day. It has the potential to relieve the burden on other services such as the Library and the Police Department. If we decrease the hours, we may see increases on the other side. She does not agree in decreasing non-Freeport based social service agencies by 20%. She is always open to looking at comparables and would be open to a discussion on social service agencies later.

Councilor DeGrandpre recalled when the teens ran their own hot dog cart and kept all the money. It then morphed into hiring somebody that paid them for the location. It has been a difficult funding discussion for the Council over the years. They have a location assigned to them and he is not sure they are doing anything with it. He would like to see them earn the money themselves. Having said that, we are not going to fix it today for this year. He is willing to support them at \$7,500 this year but really thinks there is far more value to be had in earning that money themselves.

Councilor Gleeson is okay with bringing the \$7,500 back. He feels the department heads have done a great job keeping the budget neutral. He agrees that having a place to go alleviates the burden on the Library and the Police Department.

Councilor Wellen will defer back to funding \$7,500 and not reducing the outside agencies. Chair Hendricks noted there appears to be a majority willing to increase the Teen Center budget to \$7,500 and no interest in decreasing the other service agencies.

Chair Hendricks asked Councilor DeGrandpre to make an amendment.

**MOVED AND SECONDED:** To 113-B-13 change the Human Service Agency from \$38,200 to \$43,200, which changes the total to \$9,836,519. (DeGrandpre & Egan)  
**ROLL CALL VOTE:** (6 Ayes) (1 Recused—Sachs)

Chair Hendricks asked Councilor DeGrandpre to read the second BE IT ORDERED and say as amended.

**BE IT ORDERED:** That the following appropriations be made to two departments: Human Service Agency for \$43,200 and the Community Center Building for \$40,000. The total is \$83,200 and this is part of the Town's General Fund Appropriation. When added to the Action Item 113-A-13, this brings the total General Fund Appropriation to \$9,836,519 as amended.

**ROLL CALL VOTE:** (6 Ayes) (1 Recused—Sachs)

Councilor Egan thanked the employees who worked really hard on this budget and also for all the work that all employees have done this past year to make it a great year and looking forward, she feels the Council has a really great budget.

She mentioned that at the last meeting a discussion took place on doing a benchmark study on Town compensation levels. She proposes asking Staff to pull together some data with comparable communities in Maine and get it ready for the Council by the next budget season. It will be staff driven and there will not be a consultant. The Council trusts staff to be able to pull something together that is very useful. The Council can discuss exactly what should be included in this but we want to be looking at comprehensive benefits and taking a full look at the benefits that our staff is receiving. Her feeling is that the Council would be looking at new hires and not changing the benefits that staff is receiving now. She proposed that the Council ask Staff to do this and have it ready next January or February so we can consider it as part of the whole budget discussion for next year.

Councilor Wellen agreed with Councilor Egan and noted he believes the Council should look at salaries as well as benefits and keep open that it may affect current hires. His company looks at salary surveys and adjusts accordingly even with current employees. He pointed out that the Council has an obligation to the taxpayers to look at these things.

Councilor Tracy would support taking a look at salary and benefits as part of the Council's due diligence obligation since they are big pieces of the budget. For timing she suggested getting the information in the fall, perhaps by October 15, and then the Council will have time outside of the budget season to discuss how best to approach it. If the Council finds it needs additional information, it will have time to gather it.

Councilor DeGrandpre advised that we are continually asking people to do more work and we thank them for that. He wants to be sure we are comparing apples to apples if we do go forward and take a look at salaries and benefits. He feels the Town has a good staff and they do a great job.

Councilor Gleeson noted that it is fiscally responsible to look at everything but he is a proponent of this for future new hires. No matter what the Council finds, he feels the Council should be very sensitive to whether or not we should be dealing with this with a current Freeport employee or someone coming in considering working for the Town and knowing what they are getting into.

Councilor Sachs agrees with Councilor Tracy along the lines of a shorter timeline just so it is not rushed. She feels this deserves an adequate amount of time and consideration from the Council.

Chair Hendricks has not been a proponent of any of this. He feels we need to be prepared with any discussion and we need to compare apples to apples. He is aware the people like to compare Freeport to the surrounding communities but he feels we need to be happy in our own skin that we are Freeport. If the Council is going to look at salaries and benefits, it better be prepared that it may have to increase some salaries and benefits as well. This may not work out as the change you think it is going to be. He wants the record to reflect that this is not his idea and he does not agree. The only thing he would be comfortable doing is looking at new hires and he has no problem with the timeline.

Chair Hendricks noted that the Council will instruct the Town Manager and the Finance Director to start looking at this and they will provide a better idea on how fast and thorough it can be done.

Mr. Joseph explained that in Item #113-13 there are four orders in that action item and we just tackled one part of one order. We had an amendment that called out the appropriations and split them into two separate items so the original order that has not been discussed are the revenues estimated be adopted and the following amounts be raised by taxation. We need to have an order for the revenues and then we can



move on to the second, third and fourth orders. Someone can make this order because someone already read it but then it was amended twice into two separate parts for the appropriation.

**BE IT ORDERED:** That the following revenues estimated be adopted and the following amounts be raised by taxation, said action for Fiscal Year July 1, 2013 to June 30, 2014  
Municipal Budget:

|  |  |
|--|--|
| Non-Property Tax                           | \$ 1,306,300                           |
| Intergovernmental                          | \$ 1,207,103                           |
| Charges for Services                       | \$ 286,950                             |
| Licenses and Permits                       | \$ 239,090                             |
| Fines and Forfeitures                      | \$ 100,200                             |
| Miscellaneous                              | \$ 311,884                             |
| Library Lease Proceeds                     | \$ 175,000                             |
| <b>Total Estimated</b>                     | <b>\$ 3,626,527</b>                    |
| Amount Transferred from Undesignated Funds | \$ 500,000                             |
| Amount to be Raised by Taxation            | \$5,709,992                            |
| <b>Total Revenues</b>                      | <b>\$9,836,519</b> (Egan & DeGrandpre) |

**ROLL CALL VOTE:** (7 Ayes)

Mr. Joseph noted the next item to consider is Capital Items. Chair Hendricks asked Councilor Egan to read the entire list including the appropriations.

|                         |   |                  |
|-------------------------|---|------------------|
| Police                  | Update Mobile Data Terminals                          | \$ 25,000        |
| Fire                    | Protective Clothing                                   | \$ 15,000        |
| Rescue                  | Electronic Run Reporting Update                       | \$ 15,000        |
|                         | Protective Clothing                                   | \$ 14,000        |
|                         | Rescue Equipment                                      | \$160,000        |
| Public Works            | Truck Chassis Replacement (12 Yd. Dump)               | \$115,000        |
|                         | Sidewalk Plow (Refurbished) Shared with TIF           | \$27,500         |
|                         | Pick-up Truck w/Plow                                  | \$40,000         |
|                         | Dump Bed Plow & Wing Attachment                       | \$94,000         |
| Solid Waste             | Scales and Computer                                   | \$6,000          |
|                         | New Compactor for residential waste                   | \$24,000         |
| Comp. Town Improvements | Hunter Rd & Pownal Rd Fields Stormwater Improvements  | \$59,000         |
|                         | Raised Speed Table on So. Freeport Rd at Soule School | \$2,600          |
|                         | Active Living Project                                 | \$24,000         |
|                         | Torrey Hill Range Rd. Drainage & Overlay              | \$150,000        |
| Municipal Facilities    | Computer Upgrades-Townwide                            | \$21,000         |
|                         | Bldg. Maintenance Trailer                             | \$7,000          |
|                         | Roof-Salt Shed  | \$28,000         |
|                         | Roof-Pine Street Vault                                | \$18,000         |
|                         | Revaluation Reserve Fund                              | \$10,000         |
| Cable Television        | Equipment Replacement                                 | \$15,000         |
|                         | Equipment & other improvements (Channel 14)           | \$4,000          |
| Boards & Committees     | Shellfish Commission Habitat Improvement              | \$71,000         |
|                         | <b>Total FY 2014 Capital Budget</b>                   | <b>\$945,100</b> |
| Police Reserves         | \$25,000  |                  |
| Fire Reserves           | \$15,000  |                  |
| Rescue Reserves         | \$189,000   |                  |
| Public Works Reserves   | \$276,500   |                  |

|   |           |
|---|-----------|
| Solid Waste Reserves  | \$30,000  |
| Public Infrastructure Reserves                                  | \$276,500 |
| Municipal Facilities Reserves                                   | \$84,000  |
| Cable Television Reserves                                       | \$19,000  |
| Other Reserves  | \$71,000  |
| <b>Total FY 2014 Capital Transfer from Reserves: \$ 945,100</b> |           |

(Egan & DeGrandpre)

Councilor Wellen noted he plans to vote no because he opposes the \$71,000 for the Shellfish Habitat Improvement and the Active Living Project.

Mr. Joseph clarified that the Council discussed that it would authorize a certain amount of this money to be spent on Shellfish Habitat Improvement and that only \$71,000 could be spent. Any further expenditure would have to come back for Council approval. The Shellfish Commission recommended increasing the amount from \$35,000 to \$45,000. There has not been a motion or an order from the Council to limit Town Staff on spending. All we have right now is the original \$100,000 appropriation and the authorization granted by the Council earlier this year to spend that. If the Council appropriates this \$71,000, and wants to limit how that is spent, someone would have to make a separate motion to authorize only a certain amount to be expended. Chair Hendricks is willing to increase to what the Shellfish Commission has recommended but would still like to see that limitation.

**ROLL CALL VOTE:** (6 Ayes) (1 Nay—Wellen)

**MOVED AND SECONDED:** That we limit the spending from FY 2014 budget under Shellfish Habitat Improvement to \$45,000. Beyond that it would require additional Council approval. (DeGrandpre & Egan)

Councilor Tracy suggested adding a time limitation so that the \$45,000 would need to be spent by sometime in the early part of next year to make sure that this money is going towards this season. If more money is needed for a following season, the Council can have an additional discussion. She proposed to include a date in the motion. Discussion followed. Councilor Egan and Councilor Wellen agree it makes sense to add a date. Mr. Joseph noted that adding a date of February 1 would not impact the project.

**MOVED AND SECONDED:** To amend the previous motion by adding a deadline of February 1, 2014. (Egan & Sachs) **VOTE:** (7 Ayes)

**ROLL CALL VOTE ON MOTION AS AMENDED:** (7 Ayes)

Mr. Joseph noted that the fourth part of Action Item #113 is the order for the Freeport TIF budget appropriations. Councilor Sachs requested that an item be removed and instead break it out in two so that she can recuse herself from one portion of the Destination TIF and offer an amended order.

Item 113-C-13 **BE IT ORDERED** that the following appropriations be made for the items and projects listed below and that the Destination Freeport TIF budget for FY 2014 as amended be adopted:

|   |                  |
|---|------------------|
| Freeport Economic Development Corporation                                   | \$105,000        |
| Downtown Maintenance  | \$ 41,000        |
| Sidewalk Plow (refurbished) Shared with TIF                                 | \$ 27,500        |
| Main St. & School St. Intersection Improvements (Moved from Comp. Town Imp) | \$ 10,000        |
| Theater Payment   | \$ 20,000        |
| <b>Total FY 2014 Destination Freeport TIF Budget</b>                        | <b>\$203,500</b> |

Councilor Sachs explained that she extrapolated the Chamber of Commerce item because she accepted a position with Freeport Community Services and the Chamber of Commerce is a tenant of FCS. Because of a conflict of interest, she does not want to vote on this one item. (Sachs & DeGrandpre)

Councilor Wellen noted that he does not support the \$105,000 for FEDC and that he explained his position in past discussions. Councilor Sachs recalled that the Council mentioned having a discussion on FEDC after the budget negotiations to determine if it should become a Municipal function versus a freestanding entity. Chair Hendricks advised that the Council will need to set up some sort of workshop format with all the players but a date has not been set.

**ROLL CALL VOTE:** (6 Ayes) (1 Nay—Wellen)

Councilor Sachs recused herself.

113-D-13 **BE IT ORDERED:** That the following appropriation for the Chamber of Commerce be made: \$16,000. When added to Action Item 113-C-13, this brings the total Destination Freeport TIF appropriation to \$219,500. (DeGrandpre & Egan)

Councilor DeGrandpre noted that this is a reduction from the original request and the Council discussed where it was going with the Chamber in the future. The Chamber has been making great progress. Councilor Wellen appreciates the reduction but would have preferred to reduce it further. Councilor Tracy wanted the record to reflect that the Council is funding the Chamber at \$16,000 this year and plans to fund it at \$8,000 next year and \$4,000 the following year. Beyond that it will be a membership.

**ROLL CALL VOTE:** (5 Ayes) (1 Nay—Wellen) (1 Recused—Sachs)

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**NOTE: At 8:30 p.m. a 5 Minute recess was taken**

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|              |   |
|--------------|---|
| ITEM #114-13 | To consider action relative to a Code of Conduct policy for Town Board & Committee members. |
|--------------|---|

**BE IT ORDERED:** That the Code of Conduct policy for Town Board & Committee members as recommended by the Appointments Committee be adopted.

**BE IT FURTHER ORDERED:** That the Code of Conduct be incorporated into the Oath of Office that board and committee members must take prior to serving on their appointed board or committee. (DeGrandpre & Gleeson)

Chair Hendricks explained the need for this policy and read it into the public record. Councilor Sachs asked what the consequence would be for engaging in poor behavior. Chair Hendricks noted that the person could be removed from the board or committee.

Councilor Tracy feels it is an appropriate step but one phrase seems to be a little vague—*the professional and personal conduct must be above reproach*.

**MOVED AND SECONDED:** To take out *must be above reproach* and saying: the professional and personal conduct of members must avoid any appearance of impropriety. (Tracy & DeGrandpre)

Councilor Sachs suggested stating: The Appointments Committee may, as a result of a violation of the Code of Conduct, result in termination. She also suggested adding written or oral personal remarks. Discussion followed.

**MOVED AND SECONDED:** where it says: *from making personal charges or disparaging remarks*, change it to: from making written or oral personal charges or disparaging remarks. With respect to the consequence, say: violation of this Code of Conduct may be addressed by the Appointments Committee and may result in removal from the appointed position. (Tracy & Sachs)

Mr. Joseph suggested running this language by the Town Attorney to make sure it is within the power of the Council before taking any vote.

**MOVED AND SECONDED:** To table this Code of Conduct as amended until the Town Attorney can take a look at it. (Sachs & DeGrandpre) **VOTE:** (7 Ayes)

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ITEM #115-13                      To consider action relative to a construction contract bid for replacing the stairs at Sandy Beach with an aluminum stair and landing structure.

**BE IT ORDERED:** That the Town Manager be authorized to award a construction contract to the apparent low bidder, Falls Point Marine, in the amount of \$38,000 for replacing the stairs at Sandy Beach with an aluminum stair and landing structure. (Gleeson & DeGrandpre)

Councilor DeGrandpre noted that this is a permanent repair. Councilor Egan explained that this is a public access point to the Harraseeket River and anyone can come and use this area. Because we received a grant for this work, it will not change in anyway. The new stairs will be sturdy and safe. Mr. Joseph explained the conditions of the grant are that the Town maintains what is installed for twenty years.

**ROLL CALL VOTE:** (7 Ayes)

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**OTHER BUSINESS:**

1. Discussion on village parking proposal.

Town Planner Donna Larson explained that back in January the Council looked at it and asked that Traffic and Parking take a look at it for safety issues. It also went back to the Planning Board for their review. Everyone felt that nothing had changed for them. Traffic and Parking wanted two recommendations and the Planning Board wanted four. Ms. Larson is proposing that the Council set a date for a workshop with the consultant that worked on this project so that he can explain what he found and what his recommendations were. She noted this is complicated and there are a lot of different sides to it. A workshop would be more relaxed and along with a question and answer period would be helpful. She suggested inviting the Planning Board and Traffic and Parking to this workshop so they can explain their positions on this. She would consider this an information gathering meeting and the Council would then have to have a public hearing and go into a public process. If notices were to be sent out to property owners and business owners, she mentioned that it could be as many as 150. She can certainly do that pretty quickly but she feels this is an opportunity to understand the facts and numbers behind it rather than the policy. It's public so anybody can attend. Chair Hendricks agreed.

Ms. Larson feels the sooner this workshop can be scheduled, the better. She estimates it will take more than an hour. She offered to work with the Town Manager to come up with a couple of dates. She pointed out that the Town has never actively managed parking.

Chair Hendricks thanked Ms. Larson.

2. Discussion on solar proposal for the Public Works building.

Ms. Larson explained that a number of years ago when the price of oil was going up, she was asked to look at various ways to reduce the Town's consumption of energy and look at renewable resources. She had Revision Energy come out and do an analysis of all the publicly owned buildings to see what potential they had for solar. The Public Works Building has tremendous potential for solar. It is perfectly positioned. The roof is big and is fully exposed. The price was huge so it was decided to leave it and watch for the price to come down. She read in the paper that South Portland worked with Revision Energy where Revision actually owned the solar panels and they used the roof and then there was a pay-back period. There are tax credits available for using solar but this means nothing to the Town. There are rebates, which the Town can use. There is also depreciation but the Town cannot use it because it does not pay federal taxes. Those big benefits for using solar energy are not really there for the Town to use.

Revision has come up with a program that they can own the panels for a period of seven years and they can use all the tax incentives and rebates. They have that benefit and some mechanism to finance it. She contacted the person that did the analysis a number of years ago and he came out and looked at it again. She referred the Council to three spreadsheets. She explained three different options for the Council. She asked if the Council is interested in pursuing this. If so, we could schedule a workshop and the consultant can go through the numbers. It could even be scheduled on the same date as the parking workshop. If there is no interest, she will call and advise them of this.

Chair Hendricks thanked Ms. Larson for this work. He feels it is a great idea and a great option. He would be all for letting them pay for it and letting us buy it back at some point. Councilor DeGrandpre suggested that the Council discuss if there are people that may have interest that would want to attend the workshop before scheduling the consultant in a workshop.

Councilor Wellen would like to understand more about the options and numbers and agrees it would make sense to workshop. He feels it is very complicated and the Council needs to give it careful consideration. Councilor Egan asked Councilor DeGrandpre to talk to the RSU to see if they have any interest and invite them to the workshop. Councilor DeGrandpre agreed.

Councilor Egan also mentioned there may be businesses in town that are looking for some tax liabilities that they can offset with these credits. There may be some way to get this even cheaper than the Revision model but it requires a lot more work on the Council's part to find those partners. She feels the Council should have discussions with its corporate leaders to determine if this is of interest to them. Councilor DeGrandpre agreed and noted there are opportunities for non-profits or for profits.

Chair Hendricks suggested that Ms. Larson work with the Town Manager to find some dates for a workshop. Councilor Wellen suggested having the Finance Director, Town Manager and the Public Works Director weigh in on the financial implications of replacing the roof early before the workshop.

Councilor Egan thanked Ms. Larson for pursuing this.

3. Update on LD1496 – An Act to Modernize and Simplify the Tax Code

Mr. Joseph noted that this bill might be dying. It seems to be unpopular at this point. This is the Comprehensive Tax Reform package proposed. He wants everyone to be aware of it and has talked to most Councilors individually about what is involved in it and if it is passed, what it would mean. He explained a spreadsheet to Councilors and answered questions. He asked Councilors to stay tuned to the State for their deliberations. It is really starting to get interesting with the revenue sharing. He cautioned that the Council's tax rate impact discussions may not be over for the year. In the next few weeks, there may be some interesting discussions on this. The Appropriations Committee is currently working on this. Their deadline is before the end of the fiscal year.

Councilor DeGrandpre referred to the telephone directory and noted it is very valuable. He explained that this should be current with the new Board appointees. Chair Hendricks cautioned that this list might change a little. Kate Arno needs to be removed.

**MOVED AND SECONDED:** To adjourn at 9:20 p.m. (DeGrandpre & Sachs) **VOTE:** (7 Ayes)

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Respectfully submitted,

Sharon Coffin  
Council Secretary

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #13-13**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**TUESDAY, JUNE 18, 2013 - 7:00 P.M.**

|   | <u><b>PRESENT</b></u> | <u><b>ABSENT</b></u> | <u><b>EXCUSED</b></u> |
|---|-----------------------|----------------------|-----------------------|
| Rich DeGrandpre, 11 Timber Ridge Road   | x                     |                      |                       |
| James Hendricks, 21 West Street         | x                     |                      |                       |
| Kristina Egan, 5 Weston Point Road      | x                     |                      |                       |
| Melanie Sachs, 84 Kelsey Ridge Road     | x                     |                      |                       |
| Andrew Wellen, 83 Hunter Road           | x                     |                      |                       |
| Scott Gleeson, 23 Park Street           | x                     |                      |                       |
| Sarah Tracy, 75 Lower Flying Point Road | x                     |                      |                       |

Chair Hendricks called the meeting to order at 7:39 p.m. and took the roll.

**FIRST ORDER OF BUSINESS:** Pledge of Allegiance

Everyone stood and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the Minutes of Meeting #12-13 held on June 4, 2013 and to accept the Minutes as printed

**MOVED AND SECONDED:** To waive the reading of the Minutes of Meeting #12-13 held on June 4, 2013 and to accept the Minutes as printed (DeGrandpre & Tracy) **VOTE:** (7 Ayes)

**THIRD ORDER OF BUSINESS:** Announcements

Chair Hendricks announced:

- The July 16<sup>th</sup> the Town Council Meeting is scheduled to be held in District I at the Freeport Community Center. There will be a Meet and Greet session and an open discussion to provide District 1 residents with an opportunity to meet with Town Councilors and discuss issues related to specific District 1 issues. The regular town Council meeting will follow the District 1 session.
- The current discussion topic on Freeport Talks is: How can the skating pond at Leon Gorman Park be reused? The pond doesn't hold water well enough to sustain skating when the weather would otherwise allow it. What do you think should be done to the area? Please provide your input by going to [www.FreeportTalks.org](http://www.FreeportTalks.org).
- A reminder that the Recycling Center's Spring Clean-Up will continue through the end of the month. Acceptable material can be brought to the Recycling Center throughout the month of June during regular operating hours (Wednesday – Friday, 8 a.m. – 4 p.m. and Saturday 9 a.m. – 4 p.m.)

Also the Recycling Center has a limited number of Household Hazardous Waste (HHW) Coupons available which can be used for the disposal of household hazardous waste at the Riverside Recycling Center in Portland which is open the first Saturday of the month from April through November, 7 a.m. – 4 p.m. For more information, please call 865-3740.

- Please mark your calendar for Winslow Park's Annual Family Fun Day sponsored by Winslow Park and the Rotary Club on Saturday, June 22<sup>nd</sup>. There will be games, BBQ, ice cream, a live

performance by the Mallett Brothers Band. The Close to the Coast Race starts at 9 a.m. and all proceeds go to Freeport Economic scholarships.

- Applications for Recreational Shellfish Licenses are available for the July 1, 2013 to June 30, 2014 licensing year. For more information, please contact the Town Clerk's Office.

Councilor DeGrandpre announced that Freeport Fire and Rescue's golf tournament is planned for next Tuesday, June 25. There are still openings for people that want to play and it will be a lot of fun. Anyone interested can call Freeport Fire and Rescue at 865-3421 and they can help get people signed up.

#### **FOURTH ORDER OF BUSINESS:** Information Exchange

Councilor Sachs announced that the Conservation Commission would be meeting tomorrow evening at 6 p.m. at the Freeport Community Center. They will be discussing trails, grants, etc.

Councilor Egan pointed out that the Active Living Committee is beginning work with the consultant to make it easier and safer to walk, run and bike in Freeport.

#### **FIFTH ORDER OF BUSINESS:** Town Manager's Report

Mr. Joseph reported:

On Wednesday, July 17, the Town of Freeport and the Maine Center for Disease Control and Prevention will co-sponsor a public health presentation on tick-borne disease, mosquito-borne disease, and brown tail moth caterpillar rash. The presentation will take place between 5 p.m.- 6 p.m. in the Council Chambers at Town Hall, and will be presented by Kate Colby, a field epidemiologist with the Center for Disease Control and prevention. The general public is encouraged to attend to learn more about these common insect-borne diseases, and how to prevent them.

On Wednesday, June 5, members of the Freeport Police Department participated in the annual Maine Law Enforcement Special Olympics Torch Run. Runners for the department were Lt. Susan Nourse, Officer Keith Norris and Officer Jerod Verrill. Sgt. John Perrino and Officer Mike McManus worked as support staff for the race. The officers were joined by Special Olympic athletes: Natalie, Lily and Tommy. All proceeds raised by our staff go towards the Maine Special Olympics program.

June 11 Election Results – provided by RSU #5. Thank you to all who voted.

#### **Freeport High School Renovation – Failed**

Yes Votes        2,028  
No votes         2,202  
Fails by 174 votes

#### **Breakdown by Town**

Pownal: Yes    118, No 472  
Durham: Yes    287, No 828  
Freeport: Yes   1,623, No 902

#### **FY14 Budget – Passed**

Yes votes        2,414  
No votes         1,716



Passes by 698 votes

Breakdown by town

Pownal: Yes 182 – No 395

Durham: Yes 399- No 701

Freeport: yes 1,833 – No 620

Question to Continue the Budget Validation Referendum Process – Passed

Yes votes: 2,624

No votes 1,450

Passes by 1,174 votes

Breakdown by Town

Pownal: Yes 364, No 215

Durham: Yes 651, No 444

Freeport: Yes 1,609 – No 791

**SIXTH ORDER OF BUSINESS:** Public Comment Period – (30 Minutes)(Non-Agenda Items Only)

**MOVED AND SECONDED:** To open the Public Comment Period. (Tracy & DeGrandpre) **VOTE:** (7 Ayes)

Wayne Hollingworth of Durham Road explained that he has become aware of the Municipal Library displaying local artwork and is confident that some people don't even know about this. It has been a great place to display the magnificent artwork done by Freeport High School students and he praised the teachers that taught them. He also feels Freeport is fortunate to have Beth Edmond's wonderful artwork, currently on display at the Library.

Mary Ann Doyle, Freeport resident, noted that the RSU is not working well and requested that the Council begin the withdrawal from the RSU 5. John Eagan, Freeport resident echoed Ms. Doyle's comments and noted that the numbers are loud and clear. Joe Migliaccio of South Freeport advised that he sent an E-mail with his thoughts to the Council last night. He feels this is something the Town of Freeport can take charge of. He recalled being on the Council when consolidation was proposed and he was not in favor of it then.

Councilor DeGrandpre clarified that he and Mr. Migliaccio were both on the Council and of the opinion that the RSU was not the best plan that they could come up with but something they were being forced into.

Marie Gunning, Freeport resident, distributed some budget information to Councilors and explained it. She feels the Town is over charging its residents and invited the Council to sit down and talk about this as a community.

Lt. Susan Norse introduced Canine Cassie to the Council. She noted that she is excited to have Cassie here and they are grateful for the contributions that made this program possible. She is not certified yet to work as a canine but attends weekly classes on agility training, tracking, and apprehension. She is in the cruiser with the officer. She invited residents to follow Canine Cassie on Freeport P.D.'s Facebook page and follow her progress.

Officer Matthew Morehouse explained that Cassie is 14 months old and is in her third week of training. He asked Cassie to demonstrate how she heels, sits, stays and lies down which she promptly did.

Terry Agnese, Freeport resident, noted we all have families and friends in the various towns and our kids have friends in the various towns. It is a tough environment right now. The high school needs renovations and she feels the need for strong Council and School Board leadership to help figure it out. She noted that the high school condition has been a problem for a long time. It is unsafe and inadequate.

Tammy Goodwin, Freeport resident, moved here because it is a small community. From the beginning she was opposed to consolidation. There are three different communities with different ideas that do not jive together. She has concerns with property values. She wants the high school to be adequate for her three kids. The current plan is not working and she would like to have Freeport pull out of the RSU.

Peter Murray, Freeport resident and member of the RSU 5 Board noted that we have a conundrum to face. We have a high school that does not have the capacity to handle the number of kids. What are we going to do? Are we going to extend the high school or is there another option they should look at. He noted that if a petition is circulated, there would be a public vote on this matter. If there is a public vote, it will go on the ballot in November. It will be tough for the Board to also put a bond on the ballot in November. If there is public sentiment to front load a study to see even if there is an option here or whether this is all emotion and folks feeling frustrated that there is no option but to move forward with the RSU. This is a perspective he wants to bring from where he is sitting with respect to timing and analysis of options as opposed to passion driving them into a corner through a petition which may cause delays in bond activity, etc.

Councilor DeGrandpre advised that there were linkages along the way that made this tougher to get out of and one of the biggest ones was as you start to borrow money together. He noted that Pownal and Durham chose to not get out of the RSU when they had an opportunity to do so. He suspects if they could have that vote back, they would change their minds. Freeport has never had an opportunity to get out of this RSU.

Mr. Murray explained that he would not speak for any other members of the RSU Board but he feels people are disappointed with the election result but the action of the Board was to try to do some research to figure out what modifications could be done to the bond initiative so that it could be rolled out and moved forward. He feels it is inappropriate for the Board to adopt any kind of dissolution stance.

Tim Morrison, Freeport resident, echoed everybody's earlier statements and suggested looking at removing Freeport from the RSU. He cautioned that the school system would eventually become under valued and not respected. The cost of not doing the renovation will be much greater and he is confident there are a lot of creative ways to go about this. He advised that Brunswick is looking for students right now.

Kim Murray, parent of three kids in the school system, pointed out that this is highly emotional and it is easy to become angry and negative. She feels there is a way for all three towns to approach this in a positive way and it could be beneficial for everyone. We can enter into all sorts of agreements with other towns. Prior to the consolidation, Freeport shared all sorts of services with Pownal.

Michelle Powell explained that she recently moved to Freeport. She feels it is a great community but she is frustrated with where we are with the school system. She feels something needs to change. Nobody talks about moving to Freeport because of what is going on with the school system.

**MOVED AND SECONDED:** To close the Public Comment Period. (Tracy & Egan)  
**VOTE:** (7 Ayes)

Councilor Tracy noted the Council has a request before it and asked what the options are for responding to it. Chair Hendricks explained that the matter could be discussed under "Other Business" tonight or discussed out of order. He would rather this be added to a regular scheduled meeting agenda for discussion where it would have an opportunity to be announced. The Council could decide if it wants to take this matter up as a school withdrawal process. The Council could wait for a signed petition to come in. Outside of that process, the Council could form a committee or instruct staff to start information gathering before going beyond that. He would like some time for the Council to put some thought into this before starting discussion.

Councilor DeGrandpre noted that he would like to be able to digest the copy provided on Procedures for Withdrawal from a Regional School Unit. He feels it would be best to discuss this as an agenda item so folks at home could have an opportunity to be here. Councilor Egan agreed that to have a discussion without having it on an agenda really doesn't give all residents an opportunity to be heard tonight. She would be hesitant to take any action without letting the whole community know that we are going to have this discussion. Chair Hendricks pointed out that rarely would the Council do that and he is really against talking about this tonight. Councilor Tracy advised that she would be in favor of a special meeting scheduled relatively soon.

After checking that Councilors would make themselves available for a special meeting, Chair Hendricks explained that he would meet with the Town Manager and would try to come up with some dates that work for everyone. He mentioned that a workshop is scheduled for next Tuesday. He suggested that everybody check the website for the scheduled meeting.

Councilor DeGrandpre suggested that Councilors review the information provided tonight and if they have any questions, they should get answers and the Council can schedule that meeting from the workshop next week. It's important that people understand some of the questions that will need to be answered.

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**SEVENTH ORDER OF BUSINESS:** To take action on the following items of business as read by the Council Chairperson.

ITEM #121-13 To consider action relative to adopting the June 18, 2013 Consent Agenda.

**BE IT ORDERED:** That the June 18, 2013 Consent Agenda be adopted.  
(Hendricks & DeGrandpre)

Chair Hendricks reviewed the items on the Consent Agenda for members of the public.

**ROLL CALL VOTE:** (7 Ayes)

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ITEM #122-13 To consider action relative to an application for a Liquor License submitted by Christian Erdmann d/b/a Jameson Tavern located at 115 Main Street, Freeport.  
**PUBLIC HEARING**

**MOVED AND SECONDED:** That the Public Hearing be opened. (Egan & DeGrandpre) **VOTE:** (7 Ayes)

There were no public comments provided.

**MOVED AND SECONDED:** That the Public Hearing be closed. (Egan & DeGrandpre) **VOTE:** (7 Ayes)

**BE IT ORDERED:** That an application for a Liquor License submitted by Christian Erdmann d/b/a Jameson Tavern located at 115 Main Street, Freeport be approved. (Egan & DeGrandpre) **ROLL CALL VOTE:** (7 Ayes)

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ITEM #123-13      To consider action relative to proposed amendments to Chapter 21: Freeport Zoning Ordinance pertaining to Agriculture Section 104 Definitions and Sections 402, 403, 404, 405, 406, 409, 421, 422, 425 and 426. **PUBLIC HEARING**

**MOVED AND SECONDED:** That the Public Hearing be opened. (Wellen & Sachs) **VOTE:** (7 Ayes)

Town Planner, Donna Larson explained that the proposed amendments are the collective work of a number of people in town. The Planning Board held a public hearing and it was supported by the Planning Board that the Council support adoption of these amendments.

Marie Gunning of Telos Road explained that she worked with farmers in agricultural conservation over the past ten years and feels we should do whatever we can to support our working farms. She had some suggestions for refining the language in front of the Council to try to balance Freeport's working farms and make sure that all residential neighborhoods are not impacted in a negative way. She requested that the Council take a look at the definition of farming or ranching and fresh water fish. Fresh water fish is not a typical agricultural activity and she would like to not see residents have the ability to have fish farms. Under "Agritourism Activity", ideally we would have something that defines what a working farm is. She had other suggestions as well. She feels this is a big change because we are allowing a new use so the better we define it, the more success we will have with it as a community.

Susan Campbell of 38 Hunter Road explained that she is a farmer that worked on this project. She thanked everyone that came and worked on it and feels it is a really good product. She noted that the group tried to bring Freeport's language in line with what is seen in Augusta. The reference to fresh water fish comes directly from the State's language. They put a lot of work into it and feel it is representative with the agricultural definitions of what is consistent with the State. They worked long and hard to refine "Agritourism" and wanted inclusive activities that were reasonably expected to be part of what you would see on a farm or ranch. They tried to be respectful of impact on neighbors. She asked the Council to endorse the amendments.

Lisa Turner of Laughing Stock Farm explained that regarding "Agritourism" the group tried really hard to limit it to things that are focused on farms. The point was to regulate farms. If we want to regulate other stuff, then as a Town we should get together and decide what else we want to regulate.

Guy Quartrucci of South Freeport explained that he had the opportunity to work with the subcommittee and in terms of "Agritourism" this is the section they deliberated and researched the most. It is probably where their language is the tightest. He read the activities and noted that they have to be tied to animals, plants or soil. He read his comments into the public record. He thanked Donna Larson, Susan Campbell and Lisa Turner for their input and hard work.

**MOVED AND SECONDED:** That the Public Hearing be closed. (Egan & Sachs)  
**VOTE:** (7 Ayes)

**BE IT ORDERED:** That proposed amendments to Chapter 21: Freeport Zoning Ordinance pertaining to Agriculture Section 104 Definitions and Sections 402, 403, 404, 405, 406, 409, 421, 422, 425 and 426 be approved. (Wellen & Egan)

Chair Hendricks thanked the individuals that worked on the amendments. He would not recommend making any changes. The committee did the work and he is willing to approve it. Council DeGrandpre also thanked everyone for this great work, particularly the citizens that jumped in and rolled up their sleeves. This allows opportunity for folks that want to maintain open space in farmland in Freeport.

Councilor Sachs explained that there is an amazing vintage baseball game coming up at the Pettingill Farm this weekend and she would not want to see an event such as this excluded. She feels this is a perfect example of the intent behind the historical and cultural activities that the committee was hoping to encompass. She feels the work that was done was very thorough and she appreciates the group's efforts.

Councilor Wellen had questions, which were addressed by Susan Campbell. Councilor Wellen suggested looking more at the "working farm" He would like the language more restrictive in the event somebody wants to open a seven-room B & B. He would like to have someone explore this before approving it. It appears there is a loophole for the size of farms. He would like to take out fresh water fish and figure out a better definition of a "working farm."

Lisa Turner addressed Councilor Wellen's concerns. She explained that the first year she had a farm, she had one-fifth of an acre and she is pretty sure that doesn't meet anyone's definition of a farm. She now is planting vegetables on 12 acres on four different properties. If the size of a farm had been limited, she wouldn't have gotten where she is today. More discussion followed. Chair Hendricks suggested taking a vote.

**ROLL CALL VOTE:** (6 Ayes) (1 Nay—Wellen)

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ITEM #124-13                      To consider action relative to a motto for the Town of Freeport.

**BE IT ORDERED:** That the motto of "The Birthplace of Maine" be phased out of official usage by the Town of Freeport as practicable.

**BE IT FURTHER ORDERED:** That suggestions for a new official Town motto be received from certain Freeport High School history class students. (Tracy & Sachs)

Christina White, of the Freeport Historical Society explained that she has been working with Freeport High School teachers, Jeff Deerberg and Charlie Mellon. 22 students undertook the challenge of developing a motto and rationale for Freeport and we have two students here tonight out of the top three that received the top vote at the high school's induction ceremony. She commended the other 20 students who are not here tonight that did an excellent job as well. She thanked the Council for taking up the matter of putting the myth of Freeport being the birthplace of Maine behind us. She is looking forward to what Freeport is and will be.

Jeff Deerberg explained that this is the culmination of this project they worked on that ended in their laps last February. He introduced Shelby Sawyer and Dalton Chapman. He mentioned that Katie McClellan was the third finalist but couldn't be here this evening. Shelby has Katie's motto, which she will share with the council tonight.

Shelby read Katie's motto, which is **Open Harbor/Open Hearts** and read her explanation into the public record. Shelby's motto is **Heart of Vacationland** and she read her explanation. Dalton explained that he researched the town's history. His motto is: **Freeport—Not As Flammable As We Once Were** and explained it.

Chair Hendricks thanked the students for coming tonight and noted that the Council has been approached by the Historical Society regarding the motto myth. As far as the Town Manager is concerned, he could

never find anywhere where it was made official. The real process tonight is having these two students here this evening mentioning that there is some interest in having an official motto and figuring out how to start the process and how to go from here. He has had some conversations with the Town Manager and he has been slowly phasing out our motto where he can but he wants some official capacity from the Council on how and when to do that. The Council needs to determine whether to open up a town process or form a committee. He is open to Council suggestions.

Chair Hendricks feels that we should begin to phase it out from the town's website, on paper business cards, etc. On town trucks and vehicles, as we purchase new ones, we don't put that motto on them. He does not want to incur any expense in painting over the motto. In moving forward with a new motto, Chair Hendricks feels we should begin a public process and open it up to any Town resident that wants to submit a motto. This might be a good thing for our Special Events Committee to take up, maybe a sub-committee of that could take the mottos in and have a process where they are placed on the Town's website and people can vote on the one they like as part of public process.

Councilor Tracy noted that it sounds like the consensus at this point is that the motto we have is based on dubious facts and she agrees the Town should not incur enormous expense to get rid of it. She agrees that as we can, we should phase it out. In terms of deciding on the process of a new motto, she mentioned that South Portland and Lewiston-Auburn went through this process and in investigating what they have done, we might be able to put together a process that is based on pieces of examples from those other communities that seem relevant to us. Councilor Sachs recommended the same and wonders if the Special Events Committee would start the information and report back to the Council. She thanked the students and teachers for bringing this forward today.

Councilor DeGrandpre feels phasing it out over time is the way to go. It will reflect the truth more accurately. He pointed out that there used to be 12 filling stations in Freeport and we were a lot more flammable. Councilor Wellen agreed with what has been said already.

Chair Hendricks asked the Town Manager to have staff look into what other towns have done. We are looking for a motto and he will involve the Chamber, FEDC and Freeport USA. Councilor Tracy noted that Freeport residents should also be involved.

**ROLL CALL VOTE:** (7 Ayes)

Chair Hendricks thanked everyone involved and assured the students in attendance that their three mottos will be considered in the public process.

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| ITEM #125-13 | To consider action relative to a pickup truck bid for the Public Works Department. |
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**BE IT ORDERED:** That the low bid of \$38,322 be awarded to Weirs Motor Sales.

**BE IT FURTHER ORDERED:** That this item be purchased when it is available and the FY 2014 appropriation be available for expenditure immediately. (Sachs & DeGrandpre)

Councilor Sachs noted that this figure is below the amount budgeted.

**ROLL CALL VOTE:** (7 Ayes)

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| ITEM #126-13 | To consider action relative to a plow truck bid for the Public Works Department. |
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**BE IT ORDERED:** That the low bid of \$92,670 be awarded to Morrison & Sylvester.

**BE IT FURTHER ORDERED:** That this item be purchased when it is available and the FY 2014 appropriation be available for expenditure immediately. (DeGrandpre & Egan)

Councilor Sachs noted that this figure is below the amount budgeted.

**ROLL CALL VOTE:** (7 Ayes)

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| ITEM #127-13 | To consider action relative to a plow equipment bid for the Public Works Department. |
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**BE IT ORDERED:** That the low bid of \$91,376 be awarded to H.P. Fairfield (Gleeson & Sachs)

Councilor Sachs noted that this figure is below the amount budgeted.

**ROLL CALL VOTE:** (7 Ayes)

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| ITEM #128-13 | To consider action relative to a Code of Conduct policy for Town Board & Committee members. |
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**BE IT ORDERED:** That the Code of Conduct policy for Town Board & Committee members as recommended by the Appointments Committee be adopted with amendments as recommended by the Town Attorney.

**BE IT FURTHER ORDERED:** That the Code of Conduct be incorporated into the Oath of Office that board and committee members must take prior to serving on their appointed board or committee. (Egan & DeGrandpre)

Chair Hendricks advised that the Council met with the Town Attorney this evening. He read the revised Code of Conduct into the public record.

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| <p style="text-align: center;">Code of Conduct</p> <p>All Board and Committee members will perform their duties and responsibilities as outlined in Article VI of the Administrative Code with the utmost professionalism and integrity. The professional and personal conduct of Members must avoid any appearance of impropriety. Members shall refrain from abusive conduct, from making written or oral personal charges or disparaging remarks, or from verbal attacks upon the character or motives of members of Town boards, committees, or commissions, of Town Staff or citizens. Members shall encourage civil discourse through establishing an open, two-way communication process, which respects all segments of the community.</p> <p>Violation of this Code of Conduct may be addressed by the Appointments Committee.</p> |
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**ROLL CALL VOTE:** (7 Ayes)

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| ITEM #129-13 | To consider action relative to the use of Town property for the annual Independence Day road race. |
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**BE IT ORDERED:** That a request for use of town property submitted by LL Bean to use Bow Street Park on July 4, 2013 for its annual road race be approved. (Wellen & DeGrandpre)

**ROLL CALL VOTE:** (7 Ayes)

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ITEM #130-13                      To consider action relative to setting a Town Council Workshop meeting on Tuesday, June 25, 2013 at 6:30 p.m.

**BE IT ORDERED:** That a Town Council Workshop meeting be held on Tuesday, June 25, 2013 at 6:30 p.m. (Tracy & DeGrandpre)

Chair Hendricks noted that parking would be discussed. Councilors Tracy and Egan noted that they would not be able to attend.

**ROLL CALL VOTE:** (7 Ayes)

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ITEM #131-13                      To consider action relative to a CDBG grant for \$15,000 for the elders bus.

**BE IT ORDERED:** That the Town Manager be authorized to enter into a contract with the CDBG program for a \$15,000 grant for the elders bus.

**BE IT FURTHER ORDERED:** That the Town Manager be authorized to accept a bid selected by the Freeport Elders. (DeGrandpre & Egan)

Chair Hendricks advised that the Elders have raised money on their own and applied for this grant three times. They are extremely excited about receiving this \$15,000. He applauded their efforts. Mr. Joseph clarified that the contract is with us and we had to demonstrate a community need and certify that it is a community need. The Elders will be doing the bidding and making the bus selection and we will buy what they want. Chair Hendricks and Councilor Sachs disclosed that they have no financial interest in this.

**ROLL CALL VOTE:** (7 Ayes)

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**OTHER BUSINESS:**

1. Update on the State Budget / Municipal Revenue Sharing.

Chair Hendricks noted that Representative Gideon asked him to convey her apologies to the Council and the public since she is scheduled to be in Augusta until after 10 p.m. this evening.

Mr. Joseph advised that the Legislature has passed a budget, which the Governor has pledged to veto. We are unsure if it will be vetoed and if it comes back to the Legislature, what will happen because a lot of the vetoes have been having different votes the second time around. If everything passed as was approved by the Legislature and it was signed into law tomorrow, we would roughly have a \$180,000 revenue sharing reduction impact this year and a roughly \$200,000 revenue sharing impact next year. Roughly \$135,000 could represent a ten-cent tax rate impact. Mr. Joseph will come back to the Council and give it options such as reductions in expenditures, the possible use of fund balance and the possibility of raising the tax rate to make up the difference or some combination of all those options.

Chair Hendricks noted this is not set in stone.



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**MOVED AND SECONDED:** To adjourn at 9:40 p.m. (Egan & Sachs)  
**VOTE:** (7 Ayes)

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Respectfully submitted,

Sharon Coffin, Council Secretary

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #14-13**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**TUESDAY, JULY 2, 2013 - 6:30 P.M.**

|   | <u><b>PRESENT</b></u> | <u><b>ABSENT</b></u> | <u><b>EXCUSED</b></u> |
|---|-----------------------|----------------------|-----------------------|
| Rich DeGrandpre, 11 Timber Ridge Road   | x                     |                      |                       |
| James Hendricks, 21 West Street         |                       |                      | x                     |
| Kristina Egan, 5 Weston Point Road      | x                     |                      |                       |
| Melanie Sachs, 84 Kelsey Ridge Road     | x                     |                      |                       |
| Andrew Wellen, 83 Hunter Road           | x                     |                      |                       |
| Scott Gleeson, 23 Park Street           | x                     |                      |                       |
| Sarah Tracy, 75 Lower Flying Point Road | x                     |                      |                       |

Vice Chair Egan called the meeting to order at 6:35 p.m. and took the roll. Chair Hendricks is excused this evening.

**FIRST ORDER OF BUSINESS:** Pledge of Allegiance

Everyone stood and recited the pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the Minutes of Meeting #13-13 held on June 18, 2013 and to accept the Minutes as printed.

Councilor Tracy referred to page 4 and noted that Tammy Goodwin's name is actually Cammy Goodwin.

**MOVED AND SECONDED:** To waive the reading of the Minutes of Meeting #13-13 held on June 18, 2013 and to accept the Minutes as edited. (DeGrandpre & Gleeson)  
**VOTE:** (6 Ayes) (1 Excused—Hendricks)

**THIRD ORDER OF BUSINESS:** Announcements

Vice Chair Egan pointed out:

- The July 16 meeting is scheduled to be held in District 1 in the Freeport Community Center. Meet and Greet will begin at 6:30 p.m. and will provide District 1 residents an opportunity to discuss issues related to their district. The regular Council meeting will begin at 8 p.m.
- The following Fourth of July events will take place in Freeport:
  - 7 a.m.-10 a.m.—Blueberry Pancake Breakfast in St. Jude's hall
  - 7:30 a.m.—10k Road Race
  - 9:15 a.m.—Fun Run
  - 10 a.m. —Parade on Main Street from Kendall Lane south to Holbrook Street
  - 7:30 p.m.—L.L. Bean concert in Discovery Park
  - 9:15 p.m.—Fireworks
- Next Thursday night, July 11 the summer concert series will begin at Winslow Park. The Coastal Winds Community Band will be playing. All concerts will begin at 6:30 p.m. Admission fees for residents is \$2 and for non-residents it is \$3. Season pass holders and campers are admitted free. Bring lawn chairs, blankets, picnics and enjoy the music. There is free parking but pets are not permitted.

**COUNCIL MEETING #14-13**  
**JULY 2, 2013**

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- On July 17 the Town and the Maine Center for Disease Control and Prevention will co-sponsor a public health presentation on tick-borne disease, mosquito-borne disease and brown tail moth caterpillar rash. It will be held in the Town Council Chambers between 5-6:30 p.m. The general public is encouraged to attend and learn more about these common insect-borne diseases and how to prevent them.
- On July 25 a representative from Senator King's Office will be holding constituent service office hours in Council Chambers at Town Hall from 10 a.m.-12 Noon. All members of the public are welcome.

Councilor Wellen announced that there would be a Baseball All-Star Tournament on the Hunter Road Fields in early July. Since loud speakers will be utilized, he recommended that residents let Councilors know whether or not they see positive or negative impacts in having big events on that field. He feels the more information the Council can get, the better it can gauge the impact on that field.

**FOURTH ORDER OF BUSINESS:** Information Exchange

Councilor DeGrandpre advised that the Municipal Facilities Committee, in conjunction with the Conservation Commission, would be scheduling a site walk on the DiPietro property on July 17 at 6 p.m. They will actually be joining the Conservation Commission along with some of the neighbors from Wilderness Drive. Uses will be discussed and he invited members of the public that have an interest to attend. He mentioned that Councilor Sachs has been working with some of the neighbors who have an interest in what goes forward.

Councilor Tracy advised that she attended her first FEDC meeting on June 25 at 7:30 a.m. They worked on finalizing the language for the Vision 2025 Plan. They re-elected several members to the Board of Directors and went through the budget. She noted that the final Vision 2025 Plan will be soon coming up on the website. She noted that those meetings are always open to the public and a calendar of those meetings can be obtained from Keith McBride who is the Executive Director.

Vice Chair Egan mentioned the Town Motto and noted that it was assigned to the Special Projects Committee. The Committee has set the date to meet to discuss the process for developing a new Town Motto or whether we should develop a new Town Motto. It is scheduled for July 9 at 5:45 p.m. directly before the next Council workshop.

The Active Living Task Force will meet next Wednesday, July 10 in a handlebar survey at 9 a.m. Residents are invited to go out on their bicycles and help inventory the bicycle friendliness of our streets. On July 11 at 7:30 a.m. the Task Force will be meeting with the consultant, Street Plans.

**FIFTH ORDER OF BUSINESS:** Town Manager's Report

Mr. Joseph reported:

- The Town Council will again be holding one regularly scheduled Town Council meeting in each of the Town's voting districts. These meetings provide residents with an opportunity to meet their Town Councilors more informally and to discuss issues related to their specific districts. Unless otherwise noted prior to the meeting, the district workshops will run from 6:30 p.m-8 p.m., with a regular Council meeting immediately following. The district meetings this year will be as follows:

District 1—July 16 – Freeport Community Center, Depot Street

**COUNCIL MEETING #14-13**  
**JULY 2, 2013**

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District 2—August 20-Mallet Barn a/k/a Main Barn at Wolfe's Neck Farm, Wolfe's Neck Road (where Harvest Dance is held)

District 3—October 15-L'Ecole Francaise du Maine, South Freeport Road

District 4—TBD-target date of Nov./Dec.

- The Freeport Community Library recently hosted its volunteer appreciation brunch. Over 75 volunteers were invited to the event, including individuals who volunteer weekly, or for special events like the annual book sale. These volunteers are an invaluable resource for the Library, providing an average of 50 hours of donated time per month. The Library would not be able to function as well as it does without them, and we would like to take this opportunity to publicly acknowledge their generous donation of time.
- In other Library news, the summer reading program has over 350 children enrolled as of this week. Enrollment is still open. If you would like more information, please contact the Freeport Community Library at 865-3307.
- Code Enforcement Officer Fred Reeder reports that as of the close of business on Thursday (which was the last business day in FY13 for the Town of Freeport) he has issued 48 permits for single-family home construction. This represents the busiest year for single-family home construction that the Town has experienced since 2006. While this is a good sign in terms of economic recovery, it is also an indicator that Freeport has moved back into a housing growth phase, which usually brings about increased demands on municipal and school services.
- On Tuesday, June 25, 2013 the Freeport Fire Company hosted their 15<sup>th</sup> annual golf tournament at the Toddy Brook Golf Course. All proceeds from this event supported the following Freeport Fire Company functions:

>Operation of the Stan Davis Fire Rescue Museum

>Purchase of life safety equipment for firefighters and EMTs

>Freeport area scholarships provided by the Freeport Fire Company

60 people competed, with a total of 15 teams made up of both firefighters and non-firefighters raising over \$4,000. Among those competing this year were Chiefs Fournier and Schofield, as well as official Town Council golf liaison Rich DeGrandpre. Tournament Chair Tom Fremont-Smith said the Tournament was well supported by local businesses from Freeport and Yarmouth, including Azure Café, Gritty's, Zachau Construction, Conundrum, Harris Construction, Doten Construction, Buck's Naked BBQ and Todd Doolan from Morgan Stanley, among others. Thanks to all who participated and supported the event.

Councilor DeGrandpre added that unfortunately the tournament occurred on the day that the house blew up in Yarmouth so it got off to a late start. They had a great time and he wanted the record to reflect that he was not the one that hit the golf ball at the chiefs. It was a great opportunity to be outside on a warm day.

**SIXTH ORDER OF BUSINESS:** Public Comment Period – (30 Minutes) (Non-Agenda Items Only)

**MOVED AND SECONDED:** To open the Public Comment Period for Non-Agenda Items Only. (DeGrandpre & Tracy) **VOTE:** (6 Ayes) (1 Excused—Hendricks)

There were no public comments provided.

**MOVED AND SECONDED:** To close the Public Comment Period for Non-Agenda Items Only. (DeGrandpre & Tracy) **VOTE:** (6 Ayes) (1 Excused—Hendricks)

**COUNCIL MEETING #14-13**  
**JULY 2, 2013**

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**SEVENTH ORDER OF BUSINESS:** To take action on the following items of business as read by the Council Vice Chair:

ITEM #135-13                      To consider action relative to adopting the July 2, 2013 Consent Agenda.

**BE IT ORDERED:** That the July 2, 2013 Consent Agenda be adopted. (Gleeson & DeGrandpre)

Vice Chair Egan explained that the Council usually considers Sub-committee assignments annually after the new Council is elected in November. The only reason this is before the Council today is because Councilor Tracy was elected in a special election and she is taking over the slots originally allotted to former Councilor Arno who resigned.

**ROLL CALL VOTE:** (6 Ayes) (1 Excused—Hendricks)

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ITEM #136-13                      To consider action relative to approving Special Amusement Permits.

**BE IT ORDERED:** That a Public Hearing be scheduled for July 16, 2013 at ~~6:30~~ 8 p.m. in the conference room at the Freeport Community Center to discuss special amusement permit applications submitted by the following:

Azure Café, 123 Main St  
Buck's Naked BBQ, 568 US Route 1  
Gritty McDuff's, 187 Lower Main St  
Harraseeket Inn, 162 Main St  
Lobster Cooker, 39 Main St

**BE IT FURTHER ORDERED:** That copies be distributed equally between the Town Clerk's Office, the Town Manager's Office and the Freeport Community Library for inspection by citizens during normal business hours and the notice be placed on Freeport's local cable channel 3 and the Town's website. (DeGrandpre & Sachs)

Vice Chair Egan asked for an amendment to change the start time of the next meeting.

**MOVED AND SECONDED:** To change the time from 6:30 p.m. to 8 p.m. (DeGrandpre & Sachs) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—Hendricks)

**ROLL CALL VOTE ON AMENDED ORDER:** (6 Ayes) (1 Excused—Hendricks)

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ITEM #137-13                      To consider action relative to approving a Liquor License.

**BE IT ORDERED:** That a Public Hearing be scheduled for July 16, 2013 at 8 p.m. in the conference room at the Freeport Community Center to discuss a Liquor License application submitted by Brewster House Bed & Breakfast, LLC located at 180 Main Street in Freeport.

**BE IT FURTHER ORDERED:** That copies be distributed equally between the Town Clerk's Office, the Town Manager's Office and the Freeport Community Library for

**COUNCIL MEETING #14-13**  
**JULY 2, 2013**

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inspection by citizens during normal business hours and the notice be placed on Freeport's local cable channel 3 and the Town's website. (Sachs & DeGrandpre)

**ROLL CALL VOTE:** (6 Ayes) (1 Excused—Hendricks)

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ITEM #138-13      To consider action relative to setting a Town Council Workshop meeting on Tuesday, July 9, 2013 at 6:30 p.m. in the Council Chambers at Town Hall for the purpose of discussing options surrounding Freeport's participation in RSU#5, including the possibility of withdrawal.

**BE IT ORDERED:** That a Town Council Workshop meeting be held on Tuesday, July 9, 2013 at 6:30 p.m. in the Council Chambers at Town Hall for the purpose of discussing options surrounding Freeport's participation in RSU#5, including the possibility of commissioning a Study to determine the costs and benefits of Freeport's withdrawal from the RSU. (Tracy & Gleeson)

Councilor Wellen has heard from constituents and suggested getting the process started to find out the pros and cons and not a whole Study. He offered the following motion:

**BE IT ORDERED:** That the Town Manager utilize staff to analyze various financial scenarios that apply to the option of staying in the RSU5 as well as the option of withdrawing from the RSU5. (Wellen)

Vice Chair Egan thanked Councilor Wellen but advised that the Council needs to decide on the first motion before a second motion can be put on the table.

Councilor DeGrandpre noted that the Council could ask the staff to prepare that information if it decides to go forward at the workshop. Councilor Sachs requested that the workshop be televised since it is going to be held in the Council Chambers. Mr. Joseph offered to check with Rick Simard to determine if someone could be here to record it. Councilor DeGrandpre requested that a plate be put on the normal cycle on cable to advertise this workshop.

**ROLL CALL VOTE TO SET THE WORKSHOP NEXT WEEK:** (6 Ayes) (1 Excused—Hendricks)

Vice Chair Egan mentioned Councilor Wellen's motion. We need to determine if we are going to take up an item not on the printed agenda.

Councilor DeGrandpre explained that he is not sure the Council knows what to ask for yet but noted that the Council should make it clear that it needs complete information. It is important to have a list of the information and how it relates to what we are trying to learn. He is not ready to give staff a list right now and is unsure that they can grasp all of it now.

**MOVED AND SECONDED:** To consider Councilor Wellen's request to make a motion to direct staff to start the information gathering process. (Tracy & Sachs) **VOTE:** (6 Ayes) (1 Excused—Hendricks)

**BE IT ORDERED:** That the Town Manager utilize staff to analyze various financial scenarios that apply to the option of staying in the RSU5 as well as the option of withdrawing from the RSU5. (Wellen & Gleeson)

Councilor Gleeson understands that Councilor Wellen is trying to be efficient while there are delays with the Council's workshop and then ultimately a vote. He does not know the scope or the cost that would be

**COUNCIL MEETING #14-13**  
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involved. He doesn't feel Council's Wellen idea is bad but understands there is a process that will take time and there are a lot of moving parts to this.

Vice Chair Egan noted that if the Council made a decision this evening, it would be making a decision two weeks in advance of when it is scheduled to make a decision. There are many pieces to understand and scope out and do the homework. She is aware that several Councilors are working to cost this out and understand what the scope of a Study would look like. She noted that these pieces would be in front of the Council next week.

Councilor DeGrandpre explained several scenarios: what would the structure look like if we abandoned the RSU? Would the school system come back under the Town of Freeport and their budget come to the Council? What would that structure look like? The schools are trying to figure out if \$17M is too much, what isn't? We can instruct staff to do something but he is unsure it will be valuable until the Council discusses this more.

Councilor Tracy asked what the Council is empowered to do at the workshop. There isn't much time until the workshop and she suspects some staff may be on vacation and the office is not open on Fridays and Thursday is a holiday. She asked the Town Manager if the Council could informally ask staff to start the process and get information together. Mr. Joseph noted that if we have an idea of what information we are looking for, he is confident that they will be able to provide the financial part of it. They do not need a formal order.

Councilor Sachs agreed with Councilor Tracy that two days are not enough time particularly on the heels of the Revenue Sharing piece our Town Manager will be talking about. She would want to wait for the Council workshop on the 9<sup>th</sup> before any action is taken by Town Staff. The parameters are quite vast and she does not have a position either way. She is hopeful that this workshop will help with public input about which way they would like to see us go. She requested that residents let the Council know if this is a waste of time and money to go forward and they are happy where we are or they would welcome a Study to look at the parameters. The workshop process on the 9<sup>th</sup> is very important.

Mr. Joseph noted that there are only two business days before the workshop but if the Council tells him what it needs quickly, he will try to prioritize. Councilor Wellen explained that he thought the Council could not make a soft order at the workshop to get Staff moving on it. While there are only two days, he still feels it is important to get the framework started.

Vice Chair Egan suggested taking a vote.

**ROLL CALL VOTE:** (1 Aye—Wellen) (5 Nays) (1 Excused—Hendricks)

Councilor DeGrandpre noted that there is a procedure for withdrawal from the RSU and requested that it be made available to residents on the Town's website or from Town Hall.

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**OTHER BUSINESS:**

1. Update on the State Budget / Municipal Revenue Sharing.

Mr. Joseph explained that he received information from the Finance Director. He explained that he would be meeting with the Finance Director this week to see how to find that \$138,769 which represents approximately 10 cents on the Mil Rate. They will come up with different alternate solutions and a recommendation on where to find that amount. It may be to a cut to Services or a tax increase or whether we make it up through a one-time funding source like using Fund Balance. He suspects it may be a combination of these things. He feels it is important to remember that the \$181,000 we lost in revenue sharing this year is also accompanied by roughly \$200,000 in next year's budget. We will lose another

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\$19,000-\$20,000 above what we lost this year, next year. He emphasized to residents that this is not a Town-driven cut. It is from the Legislature and dictated by the State. There is very little the Town can do.

Councilor DeGrandpre asked if Mr. Joseph had any information on the Aid to Education from the State. Mr. Joseph offered to look this information up and will let the Council know. He is hoping to bring a recommendation to the Council on July 16.

Councilor Sachs explained that if anybody has followed the Legislature, proposals were a moving target. Mr. Joseph advised that there was no way we could wait to adopt our Operating Budget. We ended up with a \$181,906 loss.

Vice Chair Egan pointed out that the Council will have some tough decisions in front of it to mitigate this unexpected reduction.

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**2. Communications Working Group draft plan presentation.**

Vice-Chair Egan explained that she, Councilor Sachs and Councilor Wellen were involved over the winter in developing the Communications Working Plan. She provided an overview of the plan and invited Councilors Sachs and Wellen to weigh in on anything she missed. She noted that no decision would be made on this Plan this evening. She explained the overall goals and priorities.

Councilor Sachs pointed out that her favorite part was the Action Plan. She requested that residents check out the Municipal Bulletin. They heard from many residents to try to make it easier to put something on Freeport Cable TV. It is a work in progress. She asked residents to let them know if there is something they missed.

Councilor Wellen reiterated that the Town Manager's Report is a great addition. Everything else has been covered. Vice Chair Egan is unsure when the Plan can be adopted. If there are lots of comments, they will have to look at another draft. They also need to determine whether the working group will continue.

Councilor Tracy asked if the Group considered a Community Calendar as part of its Action Plan. She attended a workshop at the Community Center and the overwhelming comment was it is difficult for residents to know what is going on in Freeport, not just in the Town office, but in other areas and who would be able to host that function. She feels it is worth considering that Staff provides this function.

Vice Chair Egan pointed out that Town Staff were a little overwhelmed by thinking of trying to keep something up to date and constantly receiving events from other people. For the time being, the Group felt this could happen in the Announcement Section of the Town Council meetings. It happens a little in the Town Manager's Report but they can actually consider it.

Mr. Joseph noted that if you are going to take a business, you are going to take every business's event. If you take a non-profit, you will have to take every non-profit. That is the dilemma they faced.

**3 Minute break taken at 7:40 p.m.**

**3. NIMS Training for Municipal Officers.**

Vice Chair Egan explained that this training session is designed to prepare the elected Town officials for any kind of natural disaster, terrorist attack or any kind of emergency in our town and to understand the chain of command—who is in control and what kind of functions Town officials may be asked to perform in such an emergency?



**COUNCIL MEETING #14-13**  
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Paul Conley, Deputy Fire/Rescue Chief provided a PowerPoint training presentation for Councilors. He introduced Samantha Montero as a graduate student in Emergency Management. He explained that there is a lot of material but he pared it down to what is important to Freeport. He explained the loss of water event that occurred back in 2008 that presented a tremendous issue to the infrastructure in Freeport. He mentioned how a team was put together to handle the situation. Councilor DeGrandpre explained how he was involved in getting the resources together to get the water back on. He answered questions for Councilors.

Vice Chair Egan thanked Deputy Chief Conley for coming this evening and providing this training.

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**MOVED AND SECONDED:** To adjourn at 8:55 p.m. (DeGrandpre & Gleeson) **VOTE:** (6 Ayes) (1 Excused—Hendricks)

Respectfully submitted,

Sharon Coffin  
Council Secretary

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #15-13**  
**\*\*\* FREEPORT COMMUNITY CENTER \*\*\***  
**57 DEPOT ST**  
**TUESDAY, JULY 16, 2013 - 8:00 P.M.**

|   | <u><b>PRESENT</b></u> | <u><b>ABSENT</b></u> | <u><b>EXCUSED</b></u> |
|---|-----------------------|----------------------|-----------------------|
| Rich DeGrandpre, 11 Timber Ridge Road   | x                     |                      |                       |
| James Hendricks, 21 West Street         | x                     |                      |                       |
| Kristina Egan, 5 Weston Point Road      | x                     |                      |                       |
| Melanie Sachs, 84 Kelsey Ridge Road     | x                     |                      |                       |
| Andrew Wellen, 83 Hunter Road           | x                     |                      |                       |
| Scott Gleeson, 23 Park Street           | x                     |                      |                       |
| Sarah Tracy, 75 Lower Flying Point Road | x                     |                      |                       |

Following the District I Workshop, Chair Hendricks called the meeting to order at 8:05 p.m. He took the roll.

**FIRST ORDER OF BUSINESS:** Pledge of Allegiance

Everyone stood and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the Minutes of Meeting #14-13 held on July 2, 2013 and to accept the Minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the Minutes of Meeting #14-13 held on July 2, 2013 and to accept the Minutes as printed. (DeGrandpre & Egan) **VOTE:**  
(7 Ayes)

**THIRD ORDER OF BUSINESS:** Announcements

Councilor DeGrandpre pointed out that Freeport Community Services will be hosting the Bowdoin International Music Festival Extra Concert Series on July 23, 2013 at 2 p.m. in the Freeport Community Center. It is sponsored by Sebasco Harbor Resort. It's free and Councilor Tracy noted that the piano of spectacular quality here in this room would be used.

Chair Hendricks announced:

- The Special Projects Committee met on July 9 to discuss the idea of establishing a motto for the Town. Prior to further discussion, the Committee would like to solicit input from residents about their ideas for a motto or ideas about possible processes for selecting a Town motto. If anyone has any ideas they would like to share, please contact your District or At-large-Councilor before the end of August.
- Nomination Papers will be available beginning Monday, July 29, 2013 in the Town Clerk's Office for persons interested in seeking the following offices in the Town of Freeport:

Councilor-At-Large—one seat  
District 1 Councilor—one seat  
RSU #5 Board of Directors—two seats  
Sewer District Trustees—two seats  
Water District Trustee—one seat

Nomination Papers are due back to the Town Clerk's Office no later than 6 p.m. on Wednesday, September 11, 2013. For more information, residents can call the Freeport Town Clerk at 865-4743, Extension 123.

- Tomorrow evening, the Town of Freeport and the Maine Center for Disease Control and Prevention will co-sponsor a public health presentation on tick-borne disease, mosquito-borne disease and brown tail moth caterpillar rash between 6-6 p.m. in the Town Council Chambers. Kate Colby will be the presenter. The general public is encouraged to attend to learn more about these common insect-borne diseases and how to prevent them.
- A representative from Senator King's office will be holding Constituent Services Office Hours at the Freeport Town Office on Thursday, July 25 from 10 a.m.-12 Noon in the council Chambers. All members of the public are welcome.
- The Town of Freeport has received an appeal for help on behalf of Lac-Megantic. As many of you know, a freight train carrying 73 tank cars of crude oil derailed and caused a huge explosion and fire in the small Quebec town of Lac-Megantic, about two hours north of Farmington. Lac-Megantic is the Town of Farmington's Sister City and last night, Farmington's Board of Selectmen voted to establish an account at TD Bank to help Lac-Megantic in its recovery efforts. All contributions will go to the municipality of Lac-Megantic to use as needed. Farmington's Town Manager has asked for our help in making this a statewide effort. He asked that we consider making a donation to a city that is in desperate need. Contributions may be sent to any TD Bank, payable to the Lac-Megantic Relief Fund. Contributions may also be made to the Canadian Red Cross.

**FOURTH ORDER OF BUSINESS:** Information Exchange

Councilor Sachs noted that tomorrow, July 17 at 6 p.m. at the DiPietro property there would be a joint meeting between the Conservative Commission and the Municipal Facilities Committee along with some interested neighbors from Wilderness Drive. During this site walk uses will be discussed for this tax-acquired property. She encouraged members of the public that cannot attend the site walk to contact her, Councilor Egan or Councilor DeGrandpre as members of the Municipal Facilities Committee or members of the Conservation Commission with their concerns or questions. Members of the public that have an interest are welcome to attend. Councilor DeGrandpre explained that the parking for tomorrow night's meeting is at the DiPietro home and is about a half a mile past Florida Lake. Mr. Joseph advised that if one sees Wilderness Drive on the right, you have gone too far. The DiPietro drive is the gravel drive before Wilderness Drive.

Councilor Sachs mentioned that there has been a newly established County Charter for Cumberland County. In the past everyone had a seat at the table on the Cumberland County Finance Committee. Now with the new County Charter, municipalities in what we are considered District 3 are only allowed two members of municipal officials on this finance committee. She attended the meeting and has been appointed to a three-year term on the Finance Committee representing our district for the Municipal Budget. She plans to provide periodic updates from the September and November meetings. Chair Hendricks thanked Councilor Sachs for her service.

**FIFTH ORDER OF BUSINESS:** Town Manager's Report

Mr. Joseph reported:

- Public Works Paving Projects – paving work has been delayed this year by the rainy weather but a number of projects have been completed.

Completed projects include:

- Curb and sidewalk work on Mechanic Street
- Overlay paving on Mechanic, Middle, School Streets and Royal Avenue
- Final paving of South Street, still needs to be completed. Should be done by the end of this week.

Ongoing projects include:

- Painting on South Street
  - Overlay paving on Kendall Lane, Morse Street and Heritage Lane
  - Additional paving work is scheduled for later this summer, after culverts are replaced and other preparations are completed.
- 
- The Maine DOT recently completed work on the Upper Main Street/Route 1 North project, from Maple Avenue to Exit 24. This project was funded through PACTS for a total cost of about \$600,000, with the Town paying less than 15%, or about \$81,000 of the overall cost. The project was primarily for overlay paving of the existing road, but it also included drainage improvements, new granite curbing, paved shoulders and sidewalk improvement in the area between Maple Avenue and East Street. (A picture was included to show the vast improvement this project has made.)
  - In an effort to make the Spring Clean-Up Program more convenient and efficient for everyone, the Clean-Up Program was extended to include the entire month of June this year. In May, each Freeport household received a flyer with program information, a free disposal coupon and a Recycling and Composting Survey. Over the month, a total of 664 coupons were redeemed compared to 505 coupons redeemed last year. Residents and employees agreed that the program was more convenient and ran more smoothly than the previous one-week program. A total of 256 surveys were completed and the data will be compiled for the Recycling Committee meeting in September. Backyard composting is being promoted because it is the most environmentally sustainable method for disposing of compostable waste and it saves the Town money on disposal.
  - On a related note, the Town is conducting a pilot Household Hazardous Waste (HHW) Disposal Program that allows a credit of \$20 for disposal of HHW at the Riverside Recycling Center in Portland for the first 100 residents who request a coupon. Through yesterday, 68 coupons had been distributed, leaving 32 still available.
  - The Special Projects Committee met this week to discuss the possibility of establishing a new motto for the Town of Freeport. Given the amount of substantive issues that the Town Council is planning to address over the next two months, the Committee members felt that it would be appropriate to take up the issue of establish a new motto later this fall. Any residents who have ideas for how the Town should address this issue are asked to contact their district Councilors or a Councilor-At-Large to discuss the matter.
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**SIXTH ORDER OF BUSINESS:** Public Comment Period – (30 Minutes)  
(Non-Agenda Items Only)

**MOVED AND SECONDED:** To open the Public Comment Period (Tracy & Egan)  
**VOTE:** (7 Ayes)

Jim Hughes from Spar Cove pointed out that he would prefer to keep the Town's Motto the same until someone wants to prove differently. He is proud of it.

**MOVED AND SECONDED:** To close the Public Comment Period (Sachs & Tracy)  
**VOTE:** (7 Ayes)

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**SEVENTH ORDER OF BUSINESS:** To take action on the following items of business as read by the Council Chairperson:

ITEM #140-13            To consider action relative to adopting the July 16, 2013 Consent Agenda.

**BE IT ORDERED:** That the July 16, 2013 Consent Agenda be adopted. (Hendricks & Egan)

Chair Hendricks reviewed the item on the Consent Agenda for members of the public.

**ROLL CALL VOTE:** (7 Ayes)

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ITEM #141-13            To consider action relative to applications for Special Amusement Permits.  
**PUBLIC HEARING**

**MOVED AND SECONDED:** That the Public Hearing be opened. (Tracy & Egan)  
**VOTE:** (7 Ayes)

There were no public comments provided.

**MOVED AND SECONDED:** That the Public Hearing be closed. (Tracy & Sachs)  
**VOTE:** (7 Ayes)

**BE IT ORDERED:** That the following applications for Special Amusement Permits be approved.

Azure Café, 123 Main St  
Buck's Naked BBQ, 568 US Route 1  
Gitty McDuff's, 187 Lower Main St  
Harraseeket Inn, 162 Main St  
Lobster Cooker, 39 Main St (Tracy & Gleeson) **ROLL CALL VOTE:** (7 Ayes)

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ITEM #142-13            To consider action relative to approving a Liquor License. **PUBLIC HEARING**

**MOVED AND SECONDED:** That the Public Hearing be opened. (Egan & Sachs)  
**VOTE:** (7 Ayes)

There were no public comments provided.

**MOVED AND SECONDED:** That the Public Hearing be closed. (Egan & Sachs)  
**VOTE:** (7 Ayes)

**BE IT ORDERED:** That a Liquor License application submitted by Brewster House Bed & Breakfast, LLC located at 180 Main Street in Freeport be approved. (Egan & Sachs)  
**ROLL CALL VOTE:** (7 Ayes)

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ITEM #143-13            To consider action relative to approving proposed amendments to Chapter 46: General Assistance Ordinance Appendix A for the period July 1, 2013 to June 30, 2014 and July 1, 2014 to June 30, 2015, and Appendices B-E for the period October 1, 2013 to September 30, 2014.

**BE IT ORDERED:** That a Public Hearing be scheduled for August 6, 2013 at 6:30 pm in the Council Chambers at the Freeport Town Hall to discuss amendments to Chapter 46: General Assistance Ordinance Appendix A for the period July 1, 2013 to June 30, 2014 and July 1, 2014 to June 30, 2015, and Appendices B-E for the period October 1, 2013 to September 30, 2014.

**BE IT FURTHER ORDERED:** That copies be distributed equally between the Town Clerk's Office, the Town Manager's Office and the Freeport Community Library for inspection by citizens during normal business hours and the notice be placed on Freeport's local cable channel 3 and the Town's website. (Wellen & Egan)

Mr. Joseph explained that this is something that is generally done every year. They can both be approved at the same time.

**ROLL CALL VOTE:** (7 Ayes)

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ITEM #144-13            To consider action relative to a Cardiac Monitor Defibrillator bid for the Fire/Rescue Department.

**BE IT ORDERED:** That the low bid of \$150,913.79 be awarded to Physio Control out of Redmond, WA for the purchase of five (5) Cardiac Monitor Defibrillators for the Fire/Rescue Department. (Sachs & Egan)

Deputy Chief Paul Conley explained what is being purchased and how \$10,000 was saved by bundling these with other communities. \$160,000 was originally budgeted. He also explained the training that will be done.

**ROLL CALL VOTE:** (7 Ayes)

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ITEM #145-13            To consider action relative to a wireless microphone bid for the Cable TV Department.

**BE IT ORDERED:** That the low bid of \$21,434 be awarded to Access AV out of New Hampshire for the purchase of wireless microphones for the Cable TV Department.

**BE IT FURTHER ORDERED:** That up to \$22,000 be appropriated as a supplemental appropriation from the cable television reserve fund for the purpose of purchasing FCC-compliant wireless microphones and related equipment. (Gleeson & DeGrandpre)

Rick Simard explained that we are not in compliance and this is something he was not aware of. The money will come out of Cable Equipment Reserves funded by subscriber dollars. There will be a zero tax impact. He answered questions for Councilors.

Councilor DeGrandpre noted that he is in favor of purchasing the microphones to avoid having to pass them around. He would prefer to have adequate equipment to record these meetings.

**ROLL CALL VOTE:** (7 Ayes)

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ITEM #146-13      To consider action relative to the implementation of railroad quiet zones in the Town of Freeport.

**BE IT ORDERED:** That the Town Manager and Town Engineer submit quiet zone designation paperwork to the Federal Railroad Administration.

**BE IT FURTHER ORDERED:** That the Town Manager and Town Engineer design and evaluate various supplemental safety measures (SSM) at the following at-grade railroad crossings: Bow St, East St, Fernald Road, Hunter Road, School St, Upper Mast Landing Road, Webster Road and West St. (Gleeson & Sachs)

Mr. Joseph provided a short update noting that the notice of intent was issued to all the interested parties. The response from PanAm Railways came back that they don't approve of quiet zones for safety issues and they don't approve that the methodology used is an accurate gauge. They also suggested that we get accurate traffic numbers. We received updated MDOT data last month showing that traffic counts at each railroad crossing show that Freeport's railroad crossings fall beneath federally mandated thresholds that would require trains to signal their approach. We have the option to designate a quiet zone using these revised numbers. He cautioned that those ratings could change if the number of passenger trains increases or if daily vehicle traffic increases at the crossings. If this happens, the Town could decrease its ratings at the crossings and maintain the quiet zones by installing supplemental safety measures (SSMs) such as gates, traffic signs or changes to the roadway.

Albert Presgraves explained that he did a railroad-crossing inventory and sent it to the State Railway Rep for his review. He feels confident it will be accepted and that we are in a good position to make the decision to submit the package proposing no SSMs at this time or proposing some.

Chair Hendricks noted that we are at the point where we have options. We can instruct the Town Manager to sign the paperwork and decide that we do not want to do SSMs at this time. We can have a lengthy discussion on this and the costs and how we will pay for it. The second option is to start the quiet zones immediately without the intent of SSMs at any time. He opened the public comment period.

Amanda Klein prefers to apply for the quiet zone now and continue to look at the options for SSMs going forward.

Jessie Colfer of 19 Royal Avenue asked about the reality of a 2 a.m. train. Councilor Gleeson noted that possibly the 6:30 p.m. train will be taken away but a 1:50 a.m. train would be added. This is still an "if". Mr. Colfer advised that he loves Freeport but is considering selling and losing value on his home. Safety is important but the quality of life is also important to him and his family.

Shannon Garrity of West Street asked the Council to get the quiet zone in place and take the time to come up with SSMs that will make everybody else more comfortable.

Candice Meirs of 4 Cottage Street feels that the Town never had the train horns and all the lights at the crossings. She feels we don't need any more safety measures, we have plenty.

Ken Brown of 29 Park Street appreciates all the time that has been put into this issue. He is in favor of a quiet zone. The temptation for gate jumpers to drive around a gate should not be an issue since it only takes 60 seconds for the trains to come through the crossings. He would prefer to look at SSMs later if necessary.

Richard Harris of 20 Royal Avenue feels it is outrageous to live near these tracks. He doesn't like the whistle noise. His property is being devalued and he is considering asking for a tax abatement. He mentioned that trains do not blow whistles at most of the Portland crossings and they don't have double gates.

Andy Davidson of Forest Street suggested that the Council go forward with the quiet zones what we have as is and consider SSMs in the future.

Kelly Fitz-Randolph of East Street encouraged the Council to vote yes on the quiet zones now and investigate SSMs later. We all need to support each other as a town. She asked the people of Freeport to understand what they are going through.

Linda D'Amico of Chapel Street urged the Council to go ahead and apply for the quiet zones and look at the SSMs later along with the costs.

Chair Hendricks brought the discussion back to the Council. He explained the options—the Council can designate quiet zones immediately without any SSMs or if we decide we want to implement SSMs, we probably won't be able to finalize them this evening.

Councilor DeGrandpre would prefer to designate now and in the future we may decide that we need future safety measures.

Councilor Gleeson thanked his constituents for their patience. He is fully supportive of designating the quiet zones without any additional safety measures. He suggested forming a subcommittee to work with the Town Manager, the Town Engineer and members of the community where we could have an efficient way to look at SSMs. He is willing to chair the committee and would welcome one or two other Council representatives.

Councilor Sachs would prefer to check the box to institute quiet zones now. She likes the idea of data gathering so we can have a plan in place in the Capital Plan. She would agree to add pedestrian signage. She is willing to serve on a subcommittee with Council Gleeson and citizens to determine what this town needs.

Councilor Wellen agreed to designate quiet zones now without SSMs. He has no intent of adding SSMs in the future because they are very expensive and he feels they are not worth the cost. He feels there are plenty of warnings in place.

Councilor Egan advised that she has heard from many residents many times and is aware that horns have had a terrible impact on some of them. She is angry that the Council is in a position where it has to weigh a severe quality of life impact against safety. She spent four years of her life working with communities trying to placate the impact of trains. The safety issue remains paramount for her. She would like to go back to the Federal Government to see if there is anything we can do to get some of these mitigations paid for. She will vote against designating the quiet zones tonight. As for SSMs, she feels we should only



pursue what is practical. She thanked everyone for his or her patience. She appreciates their engagement in this process.

Councilor Tracy supports designating a quiet zone. She would be open to looking at SSMs but is aware of the significant costs involved.

Chair Hendricks is all for designating a quiet zone this evening. He can't say he would vote for SSMs during the Capital Budget process but it appears that others are willing to look into what the costs will be.

**MOVED AND SECONDED TO AMEND THE FIRST BE IT ORDERED:** That the Town Manager and Town Engineer submit quiet zone designation paperwork to the Federal Railroad Administration without implementing SSMs. (Sachs & DeGrandpre)  
**ROLL CALL VOTE ON AMENDMENT:** (6 Ayes) (1 Nay—Egan)

**MOVED AND SECONDED TO AMEND THE BE IT FURTHER ORDERED**  
**CLAUSE TO READ:** that a subcommittee be established with Councilor Gleeson and Councilor Sachs as Chair and Vice Chair to assist the Town Manager and the Town Engineer to design and evaluate various supplemental safety measures (SSMs) and alternative safety measures (ASMs) at the following at-grade railroad crossings: Bow Street, East Street, Fernald Road, Hunter Road, School Street, Upper Mast Landing Road, Webster Road and West Street. (Tracy & Sachs) **ROLL CALL VOTE:** (7 Ayes)

Chair Hendricks suggested taking a vote on the **BE IT ORDERED** AND **BE IT FURTHER ORDERED** as amended:

**ROLL CALL VOTE:** (6 Ayes) (1 Nay—Egan)

Chair Hendricks asked Mr. Joseph once he signs the paperwork tomorrow, when the designation would take effect. Mr. Joseph advised that he believes it is supposed to be within 30 days. He read into the public record the "Steps necessary to establish a new quiet zone."

Mr. Presgraves did not know if he would get any paperwork back but he believes it could happen within 30 days. Mr. Joseph advised that Public Works would install standard signs saying: "train does not sound whistle at this crossing."

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ITEM #147-13

To consider action relative to commissioning a study to determine the financial and educational costs and benefits of a possible Freeport withdrawal from RSU #5.

**BE IT ORDERED:** That a study be commissioned to determine the following financial and educational outcomes of Freeport's withdrawal from RSU #5:

- The financial costs and benefits of Freeport withdrawing from RSU #5, including, but not limited to, investigating whether consolidation reduced costs, whether the town's financial contribution to education has increased or decreased since consolidation, the impact withdrawal would have on state educational funding for Freeport, the capital and other costs to the town of withdrawing, and the likely legal costs of the withdrawal process.
- The current educational offerings of RSU #5 and determine how and if a withdrawal would impact those offerings. This analysis should evaluate

existing demographic data to project the likely number of students at a Freeport-only school system and monetize the educational costs and benefits of withdrawal.

- The possible organizational models, including different relationships that Freeport could have with Pownal, Durham or other communities, and analyze the pros and cons of these different possibilities for Freeport. This analysis will include a summary of the options Durham and Pownal students would have if Freeport withdrew from RSU #5.
- The possible scope changes to the Freeport High School renovation project of a Freeport school system, which may have fewer students.

**BE IT FURTHER ORDERED:** That the Town Council use the competitive quote process and an RFP in order to hire a consultant to compose a study to determine and analyze the financial and educational outcomes of Freeport's withdrawal from RSU #5. This study would be completed with the assistance of Town Staff, who will gather and analyze data under the strategic guidance of the consultant. (Egan & Sachs)

Chair Hendricks advised that he and Vice Chair Egan drafted this language taking into consideration the comments the Council received last week. He feels they pretty adequately covered everything but if there are changes, comments or things to add, we can have that discussion if the Council wants to move forward with the Study.

Councilor Tracy clarified that as discussed in workshop last week, the decision the Council is undertaking is not a decision of whether to withdraw or not from the RSU #5. The decision tonight is whether to undergo a Study process of withdrawal. It is not based upon the recent referendum but is larger than that. Questions have been raised about the union of RSU #5 in light of different budget priorities over the course of our experience of the past 4-5 years. If the Council approves the Study tonight, it is because it needs reliable information for people to make a well-informed decision about the best course going forward, whether by remaining in the RSU #5 system or deciding on an alternative educational structure. She reviewed the RFQ that was in her packet and feels a couple of additions would be helpful with respect to the Process section.

Councilor Tracy referred to the Process section on Page 2 and suggested adding to the last sentence, "as appropriate." She suggested adding another sentence: The selected consultant shall work with Town staff, administrators, RSU #5 Board members and Department of Education staff to identify and obtain information that is already available as well as solicit relative insight from experienced individuals to assist in drafting the analysis contained in the report in order to expedite the process and minimize the cost of the Study.

Councilor Sachs noted she had received input from the public on several parts of this. They were concerned that the consultant should get raw data not data that had been analyzed or spun by everybody. They indicated that they wanted the data to be as objective as possible.

Councilor Tracy offered to amend her sentence to read, "obtain *objective* information that is already available.

Mr. Joseph offered to incorporate the language for the Process section.

Councilor Sachs appreciates all the work that has been done but noted her concerns with the timeframe. "shall be completed by September 5" makes her extremely uncomfortable. If it takes longer for due diligence, so be it. She feels it is a wise decision to look at it. She feels that a good analysis will

strengthen the position for whatever it happens to be. She doesn't mind having a target date and is confident a consultant will try to get the Study completed in time. Councilor Egan suggested changing the target completion to early September. Councilor DeGrandpre noted the date is being driven by what it takes to get the bond back on the ballot. It was a big decision to join the RSU and he does not want to rush this. Councilor Tracy pointed out that this is just the initial step and if the Town decides to take another step, or the residents decide to start a process to get the ball rolling to withdraw, the kinds of timeframes will be totally available to everybody. We need to make sure we are not mixing our metaphors. While she agrees with Councilor Sachs that we shouldn't rush it, it is helpful to provide some structure because the RSU would like to know what we are doing.

Councilor Gleeson agrees with Councilor Sachs and he is okay with a target date. Chair Hendricks agreed that he would be comfortable changing to a target date very soon after a consultant is chosen. The Council could always ask the consultant if early September is a do-able target date. A majority of the Council was willing to change the target date for completion of the Study to early September.

Lindsey Sterling noted that she hopes the consultant will be able to provide information on how dissolving the RSU will affect the mil rate and how the renovation would change the scope. Under current educational offerings, she suggested adding *including academic, athletic and extra curricular*. She mentioned that she would like the information to compare apples to apples. She would like the report back by September 5. This would allow her at least six days to review the Study results before contacting the School Board members with her perspective on how they should move forward.

Councilor Tracy mentioned that she did not feel the Council needed to amend the BE IT ORDERED to include *including academic, athletic and extra curricular* but feels the Council should have a discussion about how all those things could be considered. Education is more than just the courses being offered.

Councilor Sachs brought up the fact that Morse Street School needs renovations and whether the other communities would be willing to help pay for those renovations. Discussion followed.

**ROLL CALL VOTE:** (7 Ayes)

Mr. Joseph noted that he has a list of consultants, some of which were recommended by towns that went through this process. Councilor Tracy asked if we could advertise for a consultant on our website. Mr. Joseph noted that we could. Chair Hendricks suggested putting a request out on MMA's website and Mr. Joseph agreed. He also mentioned other websites that could be utilized.

Chair Hendricks asked Mr. Joseph about next Wednesday's meeting, whether it would be a public meeting or Executive Session. He did not get an answer on that one from the Town's attorney. Chair Hendricks feels an Executive Session would allow the Council some anonymity to bring in a consultant and ask questions. He would stress to the public if it is a public session, it will be purely a Council question and answer period. He asked Mr. Joseph to check with the Town Attorney.

Councilor Tracy noted she would like to have Council deliberations in an Executive Session.

Chair Hendricks asked Councilors if they had questions, to get them to him by Friday so that he and Vice Chair Egan would have a chance to look at them over the weekend and he will get the most appropriate questions to Mr. Joseph on Monday. He asked Councilors to keep their eyes open Tuesday night for the information.

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**OTHER BUSINESS:**

1. None.

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**MOVED AND SECONDED:** To adjourn at 10:45 p.m. (Tracy & Egan) **ROLL**  
**CALL VOTE:** (7 Ayes)

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Respectfully submitted,

Sharon Coffin, Council Secretary

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #16-13**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**WEDNESDAY, JULY 24, 2013 - 6:30 P.M.**

|   | <u><b>PRESENT</b></u> | <u><b>ABSENT</b></u> | <u><b>EXCUSED</b></u> |
|---|-----------------------|----------------------|-----------------------|
| Rich DeGrandpre, 11 Timber Ridge Road   | x                     |                      |                       |
| James Hendricks, 21 West Street         | x                     |                      |                       |
| Kristina Egan, 5 Weston Point Road      | x                     |                      |                       |
| Melanie Sachs, 84 Kelsey Ridge Road     | x                     |                      |                       |
| Andrew Wellen, 83 Hunter Road           | x                     |                      |                       |
| Scott Gleeson, 23 Park Street           | x                     |                      |                       |
| Sarah Tracy, 75 Lower Flying Point Road | x                     |                      |                       |

Chair Hendricks called the meeting to order at 6:40 p.m. and took the roll. All were present. Also present: Peter Joseph, Chuck Lawton, and Jack Turcotte.

**FIRST ORDER OF BUSINESS:** Pledge of Allegiance

Everyone stood and recited the pledge.

**SECOND ORDER OF BUSINESS:** To take action on the following items of business as read by the Council Chairperson.

**EXECUTIVE SESSION**

ITEM # 148-13: To consider action relative to an Executive Session to interview applicants in preparation for the selection of a consultant to study and analyze the financial and educational outcomes of Freeport's withdrawal from RSU #5, pursuant to 30A M.R.S.A. 2702 (1A).

**MOVED AND SECONDED:** That the Council enter into Executive Session at 6:41 p.m. to interview applicants in preparation for the selection of a consultant to study and analyze the financial and educational outcomes of Freeport's withdrawal from RSU #5, pursuant to 30A M.R.S.A. 2702 (1A). (DeGrandpre & Sachs) **VOTE:** (7 Ayes)

**MOVED AND SECONDED:** That the Council reconvene into public session at 8:45 p.m. (DeGrandpre & Egan) **VOTE:** (7 Ayes)

ITEM # 149-13: To consider action relative to the selection of a consultant to study and analyze the financial and educational outcomes of Freeport's withdrawal from RSU #5.

There was extended discussion regarding what the Council was looking for from the study and which consultant they felt would best fulfill these duties. There was consensus among the Councilors that each of the two consultants had a different set of strengths and what the Council was looking for was a combination of what both consultants had to offer.

**BE IT ORDERED:** (Amended) That Jack Turcotte and Planning Decisions (Chuck Lawton's company) be engaged for the purpose of assisting the Town Council to determine and analyze the financial and educational outcomes of Freeport's withdrawal from RSU #5. (Egan & DeGrandpre) **VOTE:** (7 Ayes)

**COUNCIL MEETING #14-13**  
**JULY 2, 2013**

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**BE IT FURTHER ORDERED:** (Amended) That up to \$9,500 be expended from the FY 14 Board and Committee Reserve Fund to provide for the consultant services. (Egan & Gleeson)  
**VOTE:** (7 Ayes)

Council Chair Hendricks asked that Jack Turcotte do the education and renovation analysis and assessment and that Chuck Lawton do the demographic and financial analysis and assessment. The Town Manager will negotiate with consultants to develop a revised proposal/scope.

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**MOVED AND SECONDED:** To adjourn at 9:15 p.m. (DeGrandpre & Gleeson) **VOTE:** (7 Ayes)

Respectfully submitted,

Peter Joseph  
Town Manager

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #17-13**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**TUESDAY, AUGUST 6, 2013 - 6:30 P.M.**

|   | <u><b>PRESENT</b></u> | <u><b>ABSENT</b></u> | <u><b>EXCUSED</b></u> |
|---|-----------------------|----------------------|-----------------------|
| Rich DeGrandpre, 11 Timber Ridge Road   | x                     |                      |                       |
| James Hendricks, 21 West Street         | x                     |                      |                       |
| Kristina Egan, 5 Weston Point Road      | x                     |                      |                       |
| Melanie Sachs, 84 Kelsey Ridge Road     |                       |                      | x                     |
| Andrew Wellen, 83 Hunter Road           |                       |                      | x                     |
| Scott Gleeson, 23 Park Street           |                       |                      | x                     |
| Sarah Tracy, 75 Lower Flying Point Road |                       |                      | x                     |

Chair Hendricks called the meeting to order at 6:30 p.m. and took the roll. He noted that the Council does not have a quorum this evening. Town Manager Mr. Joseph explained the Council's options in this event. The Council could adjourn to a future date before its next regularly scheduled meeting or adjourn to the next meeting scheduled on August 20.

**MOVED AND SECONDED:** To adjourn until August 20. (DeGrandpre & Egan)

**VOTE:** (3 Ayes) (4 Excused—Sachs, Wellen, Gleeson and Tracy)

**THIRD ORDER OF BUSINESS:** Announcements

Chair Hendricks read the following announcements:

- The August 20<sup>th</sup> Town Council meeting will be taking place at the Wolfe's Neck Farm Mallet Barn at 625 Wolfe's Neck Road. The meeting begins with the District 2 Workshop from 6:30 p.m. – 7:30 p.m. and the Town Council Meeting will follow at 7:30 p.m. Please be advised that all parking is off-road only. A mowed parking area is located beyond the barn. Follow the dirt road on the right, which leads to the mowed parking area. Handicapped parking is available directly adjacent to the barn.
- Nomination papers are available in the Town Clerk's Office for persons interested in seeking the following offices in the Town of Freeport:
  - COUNCILOR AT-LARGE – 1 seat
  - COUNCILOR DISTRICT 1 – 1 seat
  - RSU #5 Board of Directors – 2 seats
  - SEWER District Trustees – 2 seats
  - WATER District Trustee – 1 seat

Nomination Papers are due back to the Town Clerk's Office no later than 6 p.m. on Wednesday, September 11, 2013. For more information, please call Tracey Stevens at 865-4743, Ext. 123.

- The Maine Residents Property Tax and Rent Refund "Circuit Breaker" Program has been repealed as part of the enacted State budget for claims beginning on or after August 1, 2013. It has been replaced by a refundable Property Tax Fairness Credit that can be claimed on the Maine Individual Income Tax Form. The new credit will be available beginning in January, 2014 on the 2013 Maine Individual Income Tax Form 1040ME. Forms can be downloaded from the Maine

**COUNCIL MEETING #17-13**

**August 6, 2013**

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Revenue Services web site at <http://www.maine.gov/revenue/forms> or you can call 207-624-7894 to request that a form be mailed to you.

- Freeport Players present John Buchan's THE 39 STEPS. Four talented actors play dozens of characters in this fast-paced comedic spy story based on the classic Hitchcock film. Performances are Fridays and Saturdays @ 7:30 p.m. and Sundays @ 2 p.m. through August 4 at Freeport Performing Arts Center. Tickets are \$10 in advance, \$15 at the door. Advanced tickets are available online at [www.fcponline.org](http://www.fcponline.org) or in person at the Freeport Community Center Thrift Store on Depot Street.

Councilor DeGrandpre advised that a member of the Project Review Board has resigned. If any Freeport resident is interested in serving on this Board, they are encouraged to apply. Application forms are available at Town Hall or on the town's website. He also pointed out that an RSU #5 Board member has resigned. The Council will be responsible for filling that position.

**MOVED AND SECONDED:** To adjourn at 6:36 p.m. (DeGrandpre & Egan)

**VOTE:** (3 Ayes) (4 Excused—Sachs, Wellen, Gleeson and Tracy)

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Respectfully submitted,

Sharon Coffin, Council Secretary



**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #18-13**  
**MALLET BARN AT WOLFE'S NECK FARM – 625 WOLFE'S NECK RD**  
**TUESDAY, AUGUST 20, 2013 – 7:30 P.M.**

|   | <u><b>PRESENT</b></u> | <u><b>ABSENT</b></u> | <u><b>EXCUSED</b></u> |
|---|-----------------------|----------------------|-----------------------|
| Rich DeGrandpre, 11 Timber Ridge Road   | x                     |                      |                       |
| James Hendricks, 21 West Street         | x                     |                      |                       |
| Kristina Egan, 5 Weston Point Road      |                       |                      | x                     |
| Melanie Sachs, 84 Kelsey Ridge Road     | x                     |                      |                       |
| Andrew Wellen, 83 Hunter Road           | x                     |                      |                       |
| Scott Gleeson, 23 Park Street           | x                     |                      |                       |
| Sarah Tracy, 75 Lower Flying Point Road | x                     |                      |                       |

Following the District II Workshop, Chair Hendricks called the meeting to order at 7:43 p.m. He took the roll and noted that Vice Chair Egan is excused this evening.

**FIRST ORDER OF BUSINESS:** Pledge of Allegiance

Since there was no flag displayed, the pledge was omitted.

**SECOND ORDER OF BUSINESS:** To waive the reading of the Minutes of Meeting #15-13 held on July 16, 2013 and to accept the Minutes as printed.

To waive the reading of the Minutes of Meeting #16-13 held on July 24, 2013 and to accept the Minutes as printed.

To waive the reading of the Minutes of Meeting #17-13 held on August 6, 2013 and to accept the Minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the Minutes of Meeting #15-13 held on July 16, 2013 and to accept the Minutes as printed.

To waive the reading of the Minutes of Meeting #16-13 held on July 24, 2013 and to accept the Minutes as printed.

To waive the reading of the Minutes of Meeting #17-13 held on August 6, 2013 and to accept the Minutes as printed. (DeGrandpre & Gleeson) **VOTE:** (6 Ayes) (1 Excused—Egan)

**THIRD ORDER OF BUSINESS:** Announcements

Chair Hendricks announced:

- Nomination Papers are available in the Town Clerk's Office for persons interested in seeking the following offices in the Town of Freeport:

Councilor-At-Large—one seat  
District 1 Councilor—one seat  
RSU #5 Board of Directors—two seats  
Sewer District Trustees—two seats  
Water District Trustee—one seat

**COUNCIL MEETING #18-13**  
**AUGUST 20, 2013**

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Nomination Papers are due back to the Town Clerk's Office no later than 6 p.m. on Wednesday, September 11, 2013. For more information, residents can call the Freeport Town Clerk at 865-4743, Extension 123.

- The Appointments Committee will be meeting soon to fill vacancies on the Project Review Board and the Recycling and Solid Waste Committee. If anyone has an interest in filling these vacancies, please submit an application that can be found on the Town's website or at Town Hall.
- Free camping for Freeport residents at Winslow Park will take place September 16-28. Please arrive no earlier than 1 p.m. on the day you are to check in. For more information, please call 865-4198.
- The Maine Residents Property Tax and Rent Refund "Circuit breaker" Program has been repealed as part of the enacted State budget for claims beginning on or after August 1, 2013. It has been replaced by a refundable Property Tax Fairness Credit that can be claimed on the Maine Individual Income Tax Form. The new credit will be available beginning in January, 2014 on the 2013 Maine individual Income Tax Form 1040ME. Forms can be downloaded from the Maine Revenue Services website at <http://www.maine.gov/revenue/forms> or you can call 207 624-7894 to request that a form be mailed to you.

Councilor DeGrandpre reminded residents that if they would like to apply to serve on a Board or Committee, they can find an application on line or they can stop by the Town Hall and pick one up there. He encouraged people with an interest in any of these committees to sign up.

**FOURTH ORDER OF BUSINESS:** Information Exchange

Councilor DeGrandpre reminded Councilors that next week is the Council's annual meeting and dinner at Bustin's Island. Some Councilors are going to go out a little early and play golf. They plan to meet the boat at 2 p.m. Others will have to meet the 5 p.m. boat. Chair Hendricks noted that a parking permit could be purchased for a dollar that will enable anyone to park in the Town lot.

Councilor Sachs advised that the Conservation Committee would be meeting tomorrow at 6 p.m. in the lobby of the Freeport Community Center. They participated in a site walk on the DiPietro property last month and may discuss it tomorrow night.

**FIFTH ORDER OF BUSINESS:** Town Manager's Report

Mr. Joseph had two weeks to report on:

- As of September 2013, The Freeport Community Library will be changing their business hours. The total number of hours the Library is open will not change, but the hours of operation will alter slightly. New hours as of September will be:

Monday 10 a.m.-8 p.m.  
Tuesday 10 a.m.-5 p.m.  
Wednesday 10 a.m.-8 p.m.  
Thursday 10 a.m.-5 p.m.  
Friday 12 Noon-5 p.m.  
Saturday (Sept. -May) 10 a.m.-2 p.m.  
Closed Saturdays in June, July and August  
Closed Sundays

**COUNCIL MEETING #18-13**  
**AUGUST 20, 2013**

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- In May 2013 the Freeport Public Works team of Jeffrey Goldrup and David Wormwood participated in the Annual Snowplow Rodeo and qualified to go to the State Finals in Skowhegan. In this competition, Jeffrey Goldrup and David Wormwood finished in 2<sup>nd</sup> place out of 12 teams, missing 1<sup>st</sup> place by a mere 4 points. Jeffrey Goldrup was the top single plow driver of the event. Jeffrey and David received plaques, which are on display at the Hunter Road Public Works Facility, alongside the plaques our employees have earned from prior years' Rodeos:

2012—Daniel Libby and Jeremiah Rumery – 2nd place in Cumberland County

2010—Jeffrey Goldrup and David Wormwood – 1<sup>st</sup> place in Cumberland County

The Freeport Public Works Department is proud to have these employees perform so well in the Rodeo competitions year after year. The rewards they have received are a reflection of the quality and skill levels of our entire crew. Congratulations to Jeffrey, David, Danny and Jay on their accomplishments!

- The Desert Road was closed yesterday because the culvert needed to be replaced under the road before the road is repaved. Detour will be via Hunter Road on both sides. The shim and overlay paving will result in one-lane traffic for several days over the next three weeks. The paving is scheduled to be completed by the end of the week after Labor Day.
- The West Street reconstruction project is underway and progressing nicely. The base coat of pavement is down, and clean-up work, including curb work and driveway cuts will continue through October. The final pavement topcoat will be applied next year.
- A workday for Town Councilors, employees and volunteers to benefit Habitat for Humanity has been scheduled for Saturday, September 7. Anyone interested in signing up should contact Johanna Hanselman at 865-4743. Extension 120. Tasks are available for all ability levels and your help is appreciated. Family members are encouraged to participate but must be at least 18 years old. Chair Hendricks noted he hopes Councilors will be able to provide some time to the Habitat project.
- The Freeport Fire Department will be hosting its annual Fire Prevention Week Open House on October 9 from 5-7 p.m. Details will be available as we approach the Open House.
- Fire and Rescue Staff is in the process of placing the new Cardiac Monitor/Defibrillators in service. Staff will be receiving training on the functions of the machine in the near future. These new machines are state of the art in pre-hospital medical monitoring of the patient. The Fire, Rescue and EMS personnel are very grateful for the purchase of the equipment.

**SIXTH ORDER OF BUSINESS:** Public Comment Period – (30 Minutes) (Non-Agenda Items Only)

**MOVED AND SECONDED:** To open the Public Comment Period. (Wellen & DeGrandpre) **VOTE:** (6 Ayes) (1 Excused—Egan)

There were no public comments provided.

**MOVED AND SECONDED:** To close the Public Comment Period. (DeGrandpre & Sachs) **VOTE:** (6 Ayes) (1 Excused—Egan)

**SEVENTH ORDER OF BUSINESS:** To take action on the following items of business as read by the Council Chairperson:

**COUNCIL MEETING #18-13**  
**AUGUST 20, 2013**

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ITEM #152-13 To consider action relative to adopting the August 20, 2013 Consent Agenda.

**BE IT ORDERED:** That the August 20, 2013 Consent Agenda be adopted. (Hendricks & DeGrandpre)

Chair Hendricks reviewed the items on the Consent Agenda for members of the public.

**ROLL CALL VOTE:** (6 Ayes) (1 Excused—Egan)

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ITEM #153-13 To consider action relative to approving proposed amendments to Chapter 46: General Assistance Ordinance Appendix A for the period July 1, 2013 to June 30, 2014 and July 1, 2014 to June 30, 2015, and Appendices B-E for the period October 1, 2013 to September 30, 2014. **PUBLIC HEARING**

**MOVED AND SECONDED:** That the Public Hearing be opened. (Wellen & DeGrandpre) **VOTE:** (6 Ayes) (1 Excused—Egan)

There were no public comments provided.

**MOVED AND SECONDED:** That the Public Hearing be closed. (DeGrandpre & Sachs) **VOTE:** (6 Ayes) (1 Excused—Egan)

**BE IT ORDERED:** That proposed amendments to Chapter 46: General Assistance Ordinance Appendix A for the period July 1, 2013 to June 30, 2014 and July 1, 2014 to June 30, 2015, and Appendices B-E for the period October 1, 2013 to September 30, 2014 be approved. (Wellen & DeGrandpre) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—Egan)

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ITEM #154-13 To consider action relative to a liquor license application for Dahang, LLC d/b/a Fuji Sakura located at 23 Main Street.

**BE IT ORDERED:** That a Public Hearing be scheduled for September 3, 2013 at 6:30 pm in the Council Chambers at the Freeport Town Hall to discuss a liquor license application for Dahang, LLC d/b/a Fuji Sakura located at 23 Main Street.

**BE IT FURTHER ORDERED:** That copies be distributed equally between the Town Clerk's Office, the Town Manager's Office and the Freeport Community Library for inspection by citizens during normal business hours and the notice be placed on Freeport's local cable channel 3 and the Town's website. (Sachs & DeGrandpre) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—Egan)

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ITEM #155-13 To consider action relative to a Special Amusement Permit application for Jameson Tavern located at 115 Main Street.

**BE IT ORDERED:** That a Public Hearing be scheduled for September 3, 2013 at 6:30 pm in the Council Chambers at the Freeport Town Hall to discuss a Special Amusement Permit application for Jameson Tavern located at 115 Main Street.

**COUNCIL MEETING #18-13**  
**AUGUST 20, 2013**

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**BE IT FURTHER ORDERED:** That copies be distributed equally between the Town Clerk's Office, the Town Manager's Office and the Freeport Community Library for inspection by citizens during normal business hours and the notice be placed on Freeport's local cable channel 3 and the Town's website. (Tracy & DeGrandpre)

**ROLL CALL VOTE:** (6 Ayes) (1 Excused—Egan)

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ITEM #156-13            To consider action relative to applications for Automobile Graveyard and/or Junkyard Permits.

**BE IT ORDERED:** That a Public Hearing be scheduled for September 3, 2013 at 6:30 pm in the Council Chambers at the Freeport Town Hall to discuss applications for Automobile Graveyard and/or Junkyard Permits for John Ingerson d/b/a Freeport Auto Parts located at 33 Allen Range Road and David Bolduc d/b/a D.A.B., Inc. located at 13 Allen Range Road.

**BE IT FURTHER ORDERED:** That copies be distributed equally between the Town Clerk's Office, the Town Manager's Office and the Freeport Community Library for inspection by citizens during normal business hours and the notice be placed on Freeport's local cable channel 3 and the Town's website. (DeGrandpre & Sachs)

Councilor DeGrandpre noted that the Council generally receives a report from the Codes Enforcement Officer as to the status of these businesses. Chair Hendricks asked Mr. Joseph to check and see if there is anything going on with them.

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ITEM #157-13            To consider action relative to proposed amendments to Chapter 21: Freeport Zoning Ordinance pertaining to the Village Parking Requirements (Sections 413 and 514).

**BE IT ORDERED:** That a Public Hearing be scheduled for September 3, 2013 at 6:30 p.m. in the Council Chambers at the Freeport Town Hall to discuss proposed amendments to Chapter 21: Freeport Zoning Ordinance pertaining to the Village Parking Requirements (Sections 413 and 514).

**BE IT FURTHER ORDERED:** That copies be distributed equally between the Town Clerk's Office, the Town Manager's Office and the Freeport Community Library for inspection by citizens during normal business hours and the notice be placed on Freeport's local cable channel 3 and the Town's website. (Gleeson & DeGrandpre)

Chair Hendricks explained the process that has been followed. The Planning Board voted to not move forward with it. He suggested that the Council read through everything thoroughly. The public will have an opportunity to talk about what they want. He answered questions for Councilors and noted he would like to put this to bed at the public hearing. Councilor Gleeson pointed out that the Council is trying to address something that has been reviewed by the Planning Board. He wants the Minutes to reflect that the Council is looking at something that has not been approved by the Planning Board. It is an unusual process. Some parts are fine and he would look forward to breaking it up.

**ROLL CALL VOTE:** (6 Ayes) (1 Excused—Egan)

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**COUNCIL MEETING #18-13**  
**AUGUST 20, 2013**

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ITEM #158-13            To consider action relative to an estimated revenue shortfall of \$140,000 as a result of decreased revenue sharing in the biennial budget adopted by the State Legislature.

**BE IT ORDERED:** That the Council accepts the report and recommendation of the Town Manager pursuant to Freeport Charter Section 6.08(c).

**BE IT FURTHER ORDERED:** That the Council take such further action, as it deems necessary to prevent or minimize said shortfall. (Wellen & DeGrandpre)

Mr. Joseph explained that the Council has discussed this item. The actual amount is \$138,769 below what was budgeted this year. He sat down with the Finance Director to look at options. Ms. Yacoben provided information to the Council and discussion followed.

Councilor Wellen noted he is inclined to recommend taking the shortfall out of Fund Balance. Councilor Sachs noted the Vice Chair is not here this evening and she would prefer to wait until the September 3 Council meeting to give residents an opportunity to talk to their Councilors and have a complete Council in attendance. Mr. Joseph and Ms. Yacoben indicated they had no problem postponing this discussion to September 3.

**MOVED AND SECONDED:** To table this entire order to September 3. (DeGrandpre & Gleeson) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—Egan)

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**OTHER BUSINESS:**

1. Government Finance Officers Association (GFOA) FY 2014 budget presentation

Abbe Yacoben, Finance Director, had two copies to share with Councilors. It is posted on the Town's website. She explained the criteria developed and submitted. She feels it is a worthwhile project and we are learning from it. She hopes to win this year and should know around Thanksgiving.

Mr. Joseph and Chair Hendricks thanked Ms. Yacoben for all her work on this project.

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2. Midcoast Regional Redevelopment Authority (MRRRA) presentation on redevelopment progress at the former NASB base.

Jeffrey Jordan, MRRRA Deputy Director provided an update on the base redevelopment. It ceased on April 30, 2011 and they have since brought in 24 businesses. He explained the make up of the Board. Six buildings were given to the University of Southern Maine and they are projecting 700 students this fall. He identified the businesses that have located there. He also offered to show Councilors around the base. They are very proud of what they have done there. Chair Hendricks thanked Mr. Jordan for coming and giving the Council an update.

3. Resignation of RSU5 Board Member Brenda Kielty. Discussion of Council process to be used in filling of vacancy pursuant to 20-A MRSA Section 1474(3).

Mr. Joseph explained that Brenda Kielty has resigned from the RSU5 Board. Chair Hendricks noted that the Council could appoint someone. Only one person has come forward and expressed an interest in filling this vacancy. He asked if the Council wants to go out publicly and ask for interest. He would like to put it on the Town's website and Freeport Cable. Councilor DeGrandpre suggested that the RSU advertise it on their website. He asked how the Council would decide if more than one applicant applies. Councilor Tracy suggested bringing the applicants in and asking them why they want to serve and what

**COUNCIL MEETING #18-13**  
**AUGUST 20, 2013**

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they want to accomplish. Councilor Sachs suggested scheduling this interview 30 minutes before the next regular meeting and starting the Council meeting at 7 p.m. She also suggested having a deadline for expressing interest. There was agreement that the Council would accept applications up until August 27.

4. Update on Quiet Zone progress

Chair Hendricks explained that PanAm disagrees with the federal standards that determine eligibility for Quiet Zones. They feel the Town didn't provide them with raw data to support traffic assessments at railroad crossings. Mr. Joseph explained that the Town Engineer e-mailed the data to PanAm the next day but no response has been received. He also indicated that the Federal Railroad Administration sets the criteria and has the final word. Randy from the Federal Railroad Administration is writing to PanAm. Mr. Joseph has no problem with PanAm double checking the information as long as it is timely done. If there is something incorrect, he wants them to point it out.

Councilor Sachs noted she spoke with a representative from Senator King's office about the environmental and clean-up concerns. This representative spoke to Patricia Quinn and learned that they are contractually obligated to have this cleaned up by the end of the year.

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**MOVED AND SECONDED:** to adjourn at 9:37 p.m. (Sachs & DeGrandpre) **VOTE:** (6 Ayes) (1 Excused—Egan)

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Respectfully submitted,

Sharon Coffin, Council Secretary

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #19-13**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**TUESDAY, SEPTEMBER 3, 2013 – 6:30 P.M.**

|   | <u><b>PRESENT</b></u> | <u><b>ABSENT</b></u> | <u><b>EXCUSED</b></u> |
|---|-----------------------|----------------------|-----------------------|
| Rich DeGrandpre, 11 Timber Ridge Road   | x                     |                      |                       |
| James Hendricks, 21 West Street         | x                     |                      |                       |
| Kristina Egan, 5 Weston Point Road      | x                     |                      |                       |
| Melanie Sachs, 84 Kelsey Ridge Road     | x                     |                      |                       |
| Andrew Wellen, 83 Hunter Road           | x                     |                      |                       |
| Scott Gleeson, 23 Park Street           | x                     |                      |                       |
| Sarah Tracy, 75 Lower Flying Point Road | x                     |                      |                       |

Chair Hendricks called the meeting to order at 6:37 p.m. and took the roll.

**FIRST ORDER OF BUSINESS:** Pledge of Allegiance

Everyone stood and recited the pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the Minutes of Meeting #18-13 held on August 20, 2013 and to accept the Minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the Minutes of Meeting #18-13 held on August 20, 2013 and to accept the Minutes as printed. (DeGrandpre & Sachs)  
VOTE: (7 Ayes)

**THIRD ORDER OF BUSINESS:** Announcements

Councilor DeGrandpre announced:

- The Gas Committee is meeting Thursday at 7:30 a.m. in the Council Chambers to work through some questions and develop a plan to move forward. The committee will also meet on September 10 at 7:30 a.m. in Council Chambers with the folks from Maine Natural Gas and Summit. The committee will meet with them separately. Anyone with an interest is welcome to join in either of those meetings.
- The public is invited to attend a Winter Energy Efficiency Workshop on October 2 at 6 p.m. at the Freeport Community Center. Information on how to improve your home's heating efficiency, the efficiency of your vehicle and where to get help if you need it during the coming winter season will be provided. Presenters will provide low cost energy improvement solutions that can be done by homeowners.

Chair Hendricks explained to folks in attendance planning to discuss the proposed amendments to the Village Parking Requirements that there was an error as far as the dissemination of information. Part of the information posted on the web under this topic was incorrect. The consultant's report was posted and not the actually proposed amendments sent by the Planning Board. Unfortunately some of that incorrect information was sent out to some attorneys and perhaps some other information as well. Because of that, the Council will not have an official Public Hearing this evening. He will take comment from anyone that came to speak on this topic this evening but no decision will be made on it tonight. The official public hearing will be postponed for two weeks to the Council's next regular meeting scheduled on the 17<sup>th</sup> of September. He apologized and noted that he only became aware of the situation at 5:45 p.m.



- Nomination Papers are available in the Town Clerk's Office for persons interested in seeking the following offices in the Town of Freeport:

Councilor-At-Large—one seat  
District 1 Councilor—one seat  
RSU #5 Board of Directors—two seats  
Sewer District Trustees—two seats  
Water District Trustee—one seat

Nomination Papers are due back to the Town Clerk's Office no later than 6 p.m. on Wednesday, September 11, 2013. For more information, residents can call the Freeport Town Clerk at 865-4743, Extension 123.

- The Appointments Committee will be meeting soon to fill vacancies on the Project Review Board and the Recycling and Solid Waste Committee. If anyone is interested in serving on either of these boards or committees, please submit a completed application which can be found on the Town's website, [www.freeportmaine.com](http://www.freeportmaine.com) under "Council & Boards".
- Winslow Park's Free Fall Camping Weeks for Freeport residents will take place Monday September 16-Saturday, September 28. Please arrive **no earlier** than 1 p.m. on the day you wish to check in. For more information, please call 865-4198.
- As a reminder, please note that the new Library hours are in effect as of today:

Monday 10 a.m.-8 p.m.  
Tuesday 10 a.m.-5 p.m.  
Wednesday 10 a.m.-8 p.m.  
Thursday 10 a.m.-5 p.m.  
Friday 12 Noon-5 p.m.  
Saturday (Sept. -May) 10 a.m.-2 p.m.  
Closed Saturdays in June, July and August  
Closed Sundays

He outlined the services provided by the Library.

- A workday for Town Councilors, employees and volunteers to benefit Habitat for Humanity has been scheduled for Saturday, September 7. Anyone interested in signing up should contact Johanna Hanselman at 865-4743. Extension 120. Tasks are available for all ability levels and your help is appreciated. Family members are encouraged to participate but must be at least 16 years old. Chair Hendricks noted he hopes Councilors will be able to provide some time to the Habitat project.

#### **FOURTH ORDER OF BUSINESS:** Information Exchange

Councilor Egan explained that a year ago the Council appointed the Active Living Task Force. She invited anyone interested in walking, biking, hiking, skiing or running to come and join the Task Force. The Task Force has completed an initial assessment by Street Plans in July. There was also a Handlebar Survey by people on bikes trying to assess how safe our roadways are and that data is being compiled and analyzed. They have begun the development of a Walking and Hiking Network Plan as well as the development of a Bike Network Plan. They are planning a public summit in October or November where people will be invited to come in and provide preliminary comments on the draft plans and network plans put together.

The Town has asked for recommendations on where bike racks and benches should be located in Freeport. If anyone has any suggestions, Councilor Egan requested that they reach out to Anne-Marie Davee who is the Chair of the Active Living Task Force. She can be reached at [www.rdavee17@Comcast.net](mailto:www.rdavee17@Comcast.net) or by phone at 841-1300. She is also working on establishing three subcommittees. If anyone is interested, please contact Anne-Marie.

Councilor Tracy provided a report on a meeting with the Freeport Economic Development Corporation. The Executive Director was reviewed during this meeting. She noted that these meetings are public and if anyone has an interest, they are welcome to attend. Tonight there will be a Vision 2025 presentation but they are also preparing for an upcoming workshop on the appropriate structure for FEDC. There has been some indication from the Council that it would like to revisit that issue.

Councilor Sachs noted she normally has office hours on the first Monday of the month but will not have them on Labor Day. She will have office hours on the second Monday of September at Bow Street Market.

Councilor Egan noted that she normally has her office hours on the first Tuesday of the month but plans to have them next Tuesday from 8:15-10 a.m. at Bow Street Market. She also announced that the next Active Living Task Force meeting would be held next Thursday, September 12 at 7:30 a.m. at Town Hall.

Councilor Tracy noted her office hours are on the first Friday of each month from 7:30-8:30 a.m. at Bow Street Market.

Councilor DeGrandpre explained that he is not sure he has office hours but most folks can catch him at work or at breakfast at the Sunrise Café every morning. He mentioned that the Municipal Facilities Committee should be scheduling a meeting fairly soon now that everyone is back from traveling and vacations. As soon as it is pulled together, it will be posted.

Following up Councilor DeGrandpre, Councilor Egan mentioned that Municipal Facilities has two main agenda items to consider: 1) tax acquired property by Freeport and what we should do with it out by Florida Lake and 2) assess whether the silver bullets are in the right locations.

#### **FIFTH ORDER OF BUSINESS:** Town Manager's Report

Mr. Joseph reported:

- The Public Works Department has wrapped up the scheduled summer overlay work. Projects completed during the 2013/2014 year were: Litchfield Road (1400'), Lambert Road (4350'), Old County Road (2940') and Desert Road (8420'). Mr. Joseph thanked the entire Public Works crew for their continuing hard work on the roads throughout Town. Councilor DeGrandpre added that Freeport has somewhere between 80 and 90 miles of roads and overlays saves money.
- Participating libraries across the State of Maine are joining together to raise funds to help rebuild Bibliotheque de Lac-Megantic in the aftermath of the fatal train crash that destroyed the downtown area of Lac-Megantic, Canada earlier this month. The town's library, the Bibliotheque de-Lac-Megantic, bordered the train tracks and was one of the buildings razed to the ground by the explosions in the downtown area.

The entire collection, estimated at 60,000 items, was lost with the exception of those books currently checked out by patrons. The library served three thousand community members each month. Much of the collection is irreplaceable, as the library housed historical records, books, and photographs documenting the town's history. Library officials are asking for monetary donations to help replace the building, computers and materials. Anyone who wishes to donate may look for a donation can on the circulation desk of the Freeport Community Library. All donations are greatly appreciated.

- On Tuesday, August 27, Town officials met with officials from the Bustins Island Village Corporation for their annual dinner meeting, at which we discuss ongoing topics of interest in the unique Town/Island relationship. As always, volunteers from Bustins put on an outstanding show of hospitality, and we would like to thank Bustins for their hospitality.

On a lighter note, before the dinner meeting, a Town golf team composed of Councilor DeGrandpre, Fire Chief Darrel Fournier, Police Chief Jerry Schofield and Mr. Joseph mounted a valiant effort to defeat a team composed of Bustins Island's finest golf professionals. Unfortunately the town team was not successful in its endeavors. Rest assured, they have already begun planning their vindication in next year's second annual "Town vs. Island" Invitational.

**SIXTH ORDER OF BUSINESS:** Public Comment Period – (Non-Agenda Items Only)

**MOVED AND SECONDED:** To open the Public Comment Period. (DeGrandpre & Egan) **VOTE:** (7 Ayes)

There were no public comments.

**MOVED AND SECONDED:** To close the Public Comment Period. (DeGrandpre & Egan) **VOTE:** (7 Ayes)

**SEVENTH ORDER OF BUSINESS:** To take action on the following items of business as read by the Council Chairperson:

ITEM #160-13                      To consider action relative to adopting the September 3, 2013 Consent Agenda.

**BE IT ORDERED:** That the September 3, 2013 Consent Agenda be adopted. (Hendricks & DeGrandpre)

Councilor Sachs asked to be recused since her place of employment is on the agenda seeking a Victualer's license. She offered to leave the room but Chair Hendricks advised that this would not be necessary.

Chair Hendricks reviewed the items on the Consent Agenda for members of the public.

**ROLL CALL VOTE:** (6 Ayes) (1 Recused—Sachs)

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ITEM #161-13 To consider action relative to approving a liquor license application for Dahang, LLC d/b/a Fuji Sakura located at 23 Main Street. **PUBLIC HEARING**

**MOVED AND SECONDED:** That the Public Hearing be opened. (Egan & Sachs)  
**VOTE:** (7 Ayes)

There were no public comments.

**MOVED AND SECONDED:** That the Public Hearing be closed. (Tracy & DeGrandpre) **VOTE:** (7 Ayes)

**BE IT ORDERED:** That the liquor license application for Dahang, LLC d/b/a Fuji Sakura located at 23 Main Street be approved. (Egan & DeGrandpre) **ROLL CALL VOTE:** (7 Ayes)

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ITEM #162-13                      To consider action relative to a Special Amusement Permit application for Jameson Tavern located at 115 Main Street. **PUBLIC HEARING**

**MOVED AND SECONDED:** That the Public Hearing be opened. (Wellen & DeGrandpre) **VOTE:** (7 Ayes)

There were no public comments.

**MOVED AND SECONDED:** That the Public Hearing be closed. (Wellen & Egan) **VOTE:** (7 Ayes)

**BE IT ORDERED:** That a Special Amusement Permit application for Jameson Tavern located at 115 Main Street be approved. (Wellen & DeGrandpre) **ROLL CALL VOTE:** (7 Ayes)

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ITEM #163-13                      To consider action relative to applications for Automobile Graveyard and/or Junkyard Permits. **PUBLIC HEARING**

**MOVED AND SECONDED:** That the Public Hearing be opened. (Tracy & DeGrandpre) **VOTE:** (7 Ayes)

There were no public comments.

**MOVED AND SECONDED:** That the Public Hearing be closed. (Tracy & Egan) **VOTE:** (7 Ayes)

**BE IT ORDERED:** That the application for Automobile Graveyard and/or Junkyard Permit for John Ingerson d/b/a Freeport Auto Parts located at 33 Allen Range Road be approved.

**BE IT FURTHER ORDERED:** That the application for Automobile Graveyard and/or Junkyard Permit for David Bolduc d/b/a D.A.B., Inc. located at 13 Allen Range Road be approved.

Councilor Wellen asked if there were DEP violations in the past. Chair Hendricks advised that there were violations in the past but they were handled appropriately. DEP has been out there and there is nothing pending.

**ROLL CALL VOTE:** (7 Ayes)

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ITEM #164-13                      To consider action relative to proposed amendments to Chapter 21: Freeport Zoning Ordinance pertaining to the Village Parking Requirements (Sections 413 and 514). **PUBLIC HEARING**

As previously stated, Chair Hendricks reminded everyone that the Public Hearing would not be held tonight but he would open the meeting up for public comment. No decision will be made this night.

Vice Chair Egan explained that the Council would take comments as seriously as it would in a Public Hearing so that they will not have to repeat their time.

Attorney Paul Discoll representing Joe and Susan Saunders, noted that they would be here at the next Council meeting. They view this as a wholesale change in the way things are operated in Freeport. The proposed change would affect his clients in a significant way. They will want to be heard at the next meeting.

Kristina White, Executive Director of the Freeport Historical Society explained the mission of the Society. She noted that the parking revenue from their lot is important. They are leasing 40 of the 56 parking spaces available. Of great concern is the possibility that their largest lessee (L.L. Bean) may be released from the shared parking requirement while no new businesses are entering the pool.

Erin Wiley, property manager for 31 Main Street noted that she is not prepared this evening to discuss specific changes to the Ordinance because she has not had an opportunity to review them. They have been trying to lease that space since Reebok left. She explained the challenges they are facing and feels this additional pressure would be unfair. She brought up educating and communicating employee parking. She would like to have more discussion with whoever is doing the planning about her thoughts on this component. She plans to follow up with something more specific about her particular property at the next meeting.

Annette Evans of 13 Middle Street spoke in favor of some type of change. She mentioned that a minority of business owners is paying parking fees to the Town while a majority is grandfathered. She has six parking spaces and under the Ordinance has to lease three additional spaces from the Historical Society. She explained that meeting the parking requirements is a burden to small businesses. She and her husband appreciate everything being done to level the playing field.

Tom Wilbur of 50 Merganser Way explained that grandfathering began back in 1984. He has learned that part of the proposal is to take away the grandfathering component. If that is the case, he feels it is an aberration of a good faith agreement between the Town and some of the existing property owners. He feels it is unethical. While he would like to see R. D. Allen get a break, he is not sure it can be done fairly. He doesn't believe there is currently a shortage of parking. The train is bringing in people without cars.

Rod Regier of South Street stated he is not wearing his Traffic and Parking Committee hat. He hopes the Council appreciates how odd this process has been to this point leading to text for a zoning change that has not been endorsed by the Planning Board and there are discrepancies between the Planning Board and the Parking and Traffic Committee. It is his hope that as the Council addresses this, it articulates where it comes down on this so that people who serve on these advisory committees don't feel they are wasting their time. With regard to permitting non-conforming uses and grandfathering, he feels the Council is playing with fire. He answered questions for Councilors.

Mike Marino advised that his properties include Banana Republic, American Eagle, Lobster Cooker and Gap and a lot of parking. He advised that 15 years ago there was a perception that there was a lack of parking. He wants the Council to be careful about reducing the number of spaces required. He feels there is a need to continue to grow sales in Freeport and parking is an important ingredient. A reduction in parking is not the answer. He explained that he has no opportunity to deal with employee parking. He is confident the Town Planner can come up with some way to manage employee parking.

Attorney Jim Hopkinson representing the owners of the CVS building and the Holden Block advised that he plans to speak at the Public Hearing on the 17<sup>th</sup>. He had a few items that he would like the Council to consider. His client has an objection to the grandfathering component. He pointed out that the Planning Board did not recommend that the Council adopt the grandfathering provision and he feels it is for very good reasons. He stated that grandfathering does not only apply to properties that existed prior to 1976. He went on to explain where grandfathering comes from. He answered questions for Councilors.

Brenda Buchanan, attorney representing the owners at Main Street, Bow Street, Mill Street and West Street explained that her client provides 237 parking spaces. Her client came in when a lot of parking was required. In 2010 her client spent \$1.6M to purchase the parking lot on Depot Street and pays \$4,300 in taxes. They insure it and maintain it. She understands what grandfathering rights mean. She urged the Council to have the Town Attorney be part of this discussion. She is encouraged about the possibility of incentives. She feels it is not fair that some landlords have to pay for all the parking that everybody else uses. At the same time, it appears that those grandfathering rights should not go on forever if changes are made to those buildings. All they want is a good clear process and one that invites everybody to the table. She is confident that everybody wants the best for Freeport and themselves too. She answered questions for Councilors.

**MOVED AND SECONDED:** That this item be tabled to the next Council meeting on September 17 and have a Public Hearing at that time. (DeGrandpre & Gleeson) **VOTE:** (7 Ayes)

Chair Hendricks thanked everyone for his or her patience.

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ITEM #165-13                      To consider action relative to filling the vacancy of an RSU#5 Board member position created by the resignation of Brenda Kielty pursuant to 20-A MRSA Section 1474(3).

**BE IT ORDERED:** That the Town Council hear presentations from interested Freeport residents.

**BE IT FURTHER ORDERED:** That the Town Council appoint *t/b/d* as a member of the RSU#5 Board of Directors for the remainder of a term to expire in November 2013 pursuant to 20-A MRSA Section 1474(3). (Sachs & Egan)

Chris Leighton introduced himself and advised that he served on the Freeport School Committee for 11 years and many of those years as Chair. His interest in education remains as strong as ever. He advised that he is willing to serve a two-month term but is not interested in running for an additional term in November. He answered questions for Councilors.

Valy Steverlynck introduced herself. She has three school-age children who attend RSU-5 schools and is active in the school community. She has taught school and currently runs a business in Freeport. She has taken out papers and is collecting signatures to put her name on the ballot in November.

Councilor Egan thanked Mr. Leighton and Ms. Steverlynck for coming forward to fill the two-month vacancy. She feels they are both very qualified but would prefer to appoint Ms. Steverlynck since she is looking for a long-term commitment.

Councilor Tracy thanked them for offering to fill the vacancy. She has concerns about turnover. She encouraged Mr. Leighton to come out when he is ready because the RSU could certainly use his experience.

Councilor Sachs asked Mr. Leighton to please consider running in the future. She would lean toward appointing Ms. Steverlynck at this time.

Councilor DeGrandpre thanked both candidates for coming out. He is happy that Ms. Steverlynck is running and wishes Mr. Leighton were running. He is leaning towards Mr. Leighton because he has a good knowledge of what the Freeport school system potentially could look like going forward.

Councilor Gleeson also thanked them for coming out. He feels Mr. Leighton is supremely qualified. Councilor Gleeson is a continuity type of person and Ms. Steverlynck's intention is to run again so the Council can look forward to consistency beginning tonight.

Chair Hendricks noted that both candidates are qualified. He pointed out that if the Council were going on experience alone, Mr. Leighton's track record would put him at the front. Continuity is also important and he likes the fact that Ms. Steverlynck has taken out papers and plans to run again.

Councilor Wellen echoed Chair Hendricks' comments.

**BE IT FURTHER ORDERED:** That the Town Council appoint Valy Steverlynck as a member of the RSU#5 Board of Directors for the remainder of a term to expire in November 2013 pursuant to 20-A MRSA Section 1474(3). (Sachs & DeGrandpre)

**ROLL CALL VOTE:** (7 Ayes)

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ITEM #166-13                      To consider action relative to the data and phone rewiring of the public safety building.

**BE IT ORDERED:** That the low bid of \$12,961 plus \$210 per camera be awarded to Connectivity Point for the data and phone rewiring of the public safety building.

**BE IT FURTHER ORDERED:** That up to \$15,000 be expended from the connectivity/telephone capital line item for the data and phone rewiring of the public safety building. (DeGrandpre & Egan)

Abbe Yacoben, Finance Director explained that because of the size, there is not enough staff in house to get this job done. It was decided that it would be better to put this out to bid. Chief Conley explained the scope of the project. He answered questions for Councilors.

**ROLL CALL VOTE:** (7 Ayes)

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## OTHER BUSINESS

### 1. FEDC Vision 2025 Plan Presentation.

Keith McBride, FEDC Director presented a PowerPoint presentation on the FEDC Vision 2025 Plan that was prepared by Camoin Associates.

Councilor Egan thanked Mr. McBride for coming tonight. She noted that this is an impressive document and she is glad to see that they are working on prioritization. Councilor DeGrandpre noted that he read through the whole document and found it interesting. It has a lot of good information. He thanked Mr. McBride for his hard work. Councilor Sachs thanked Mr. McBride for all the data. She feels it is awesome. She had questions about prioritization.

He advised that they have a brand new website. It is [www.Freeportecon.com](http://www.Freeportecon.com). The website has the whole document from Camoin. He would welcome any input, feedback or suggestions that anyone has. He welcomes walk-ins but he can be reached at [Kmcbride@freeportmaine.com](mailto:Kmcbride@freeportmaine.com) or at 865-4743, Extension 117.

Chair Hendricks noted that this would be on the next agenda as an action item to formally accept the Vision 2025 Plan as the Town's vision for moving forward.

Councilor Wellen feels this should have been done by a democratic process and not a private consultant. He will try to get more clarity.

Councilor Tracy noted there is a lot in here but it might be helpful at the next meeting to provide some feedback as to what we think the priorities should be moving forward. It can be done out in the open and the Council can learn if we are all on the same page.

Mr. McBride explained his approach to economic development and how his time is best spent.

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2. Discussion on offer of donation of 27 acres adjacent to Florida Lake off Baker Road by David Marstaller for Conservation purposes.

Mr. Joseph explained that this land is part of a subdivision that David Marstaller is developing. This is the first step in the process. It is part of the development for open space. He oriented the Council with the property. The Council will require environmental studies to make sure there is nothing that we would have to clean up.

Councilor Wellen would like to talk to the Town Engineer about the closeness of the septic system designs in that area that appear to be pretty close to this land and how much tax would be lost before he would accept this land donation. He would prefer to research these things carefully before accepting the donation. Some of his constituents have concerns about the size of the deer over-wintering area that appears to have been reduced, which allowed the developer to create more lots, but the Town Planner has advised that this is a done deal.

Mr. Joseph shared some hypothetical tax information with the Council. If the developer retained the land in question, it would be assessed for a couple of hundred dollars because it would not be useable land. Councilor Egan asked if this is an open space development. Mr. Joseph offered to find out from the Town Planner. More discussion followed.

Chair Hendricks suggested putting this on the agenda for September 17 and being ready to accept the offer or not. If Councilors have questions they want answered, they should send them to the Town Manager. Councilor DeGrandpre asked for a copy of the Planning Board Minutes covering this development.

Councilor Tracy asked about the possibility of a Site Walk. Councilor DeGrandpre advised that the Council has done organized site walks in the past. The Municipal Facilities Committee has been out to the DiPietro property several times. Mr. Joseph explained that it would be appropriate for the Council to organize something or even if small groups of Councilors (not constituting a quorum) want to go out with staff. Councilor Sachs noted that the Conservation Commission Chair did go out and looked at the property in question and she is confident the Chair would be happy to answer questions regarding the site walk. From their Minutes, Councilor DeGrandpre noted there is a concern that the existing snowmobile trail would have to be relocated or abandoned. In this instance it doesn't look too difficult to relocate it.

3. Update on RSU Withdrawal Study.

Mr. Joseph provided the Council with an update from Jack Turcotte who is half of the dynamic duo working on this Study. He does not have a good answer as to the timing of this. Chuck and Jack were trying to get information from the Department of Education. Because of the time of the year, they have not been able to get the information since it is Back To School time and vacation time for many school employees. They know this is a priority for us but it is not necessarily a top priority for the State Department of Education. Mr. Joseph didn't push this because the Commissioner has a big workload to deal with.

Councilor Tracy suggested sending out a formal request to the State on the Town's letterhead to expedite the information we need. Mr. Joseph agreed to put the request in writing tomorrow.

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## **TABLED BUSINESS**



To consider action relative to an estimated revenue shortfall of \$140,000 as a result of decreased revenue sharing in the biennial budget adopted by the State Legislature.

**BE IT ORDERED:** That the Council accepts the report and recommendation of the Town Manager pursuant to Freeport Charter Section 6.08(c).

**BE IT FURTHER ORDERED:** That the Council take such further action as it deems necessary to prevent or minimize said shortfall. (Gleeson & DeGrandpre)

Chair Hendricks explained that the Council agreed to table this item so that the Vice Chair could be included in the discussion. Ms. Yacoben and Mr. Joseph provided recommendations that they felt the Town should pursue.

Mr. Joseph explained the two options that are available—use funds from the Tax Rate Stabilization Fund, which is a component of our General Fund Balance (not recommended) or to utilize an increased corresponding amount of General Fund Balance (our recommendation). Several other options were considered but did not pan out. Ms. Yacoben explained why we could do it either way but noted we will have to control our transfers to reserves.

Chair Hendricks feels we should just take it out of General Fund Balance and hope for the best when we reach the end of the year. Councilor Wellen clarified that the Council does not have to replenish it all in one year. He agrees with Chair Hendricks to keep our tax rate at its current rate. Councilor Gleeson read all the information and agreed there is plenty of flexibility down the road. Councilor Tracy agreed. Councilor Egan agreed with Chair Hendricks since the Council does not have any other choice. Councilor Sachs also agreed. She appreciates the entire staff taking a look at this. Councilor DeGrandpre also agreed with Chair Hendricks and offered the following amendment:

**BE IT FURTHER ORDERED:** That we accept Recommendation #2 from the State Revenue Shortfall memo dated August 1, 2013. Increasing the transfer in from fund balance (REV 9900) by \$140,000. (DeGrandpre & Egan) **ROLL CALL VOTE:** (7 Ayes)

**ROLL CALL VOTE:** on whole item as amended: (7 Ayes)

Councilor Egan explained that the reason we had to take from the Fund Balance is because of the State and Legislature and it happened after our budgeting period.

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**MOVED AND SECONDED:** To adjourn at 9:50 p.m. (Egan & DeGrandpre)  
**VOTE:** (7 Ayes)

Respectfully submitted,

Sharon Coffin, Council Secretary

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #20-13**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**TUESDAY, SEPTEMBER 17, 2013 – 6:30 P.M.**

|   | <u><b>PRESENT</b></u> | <u><b>ABSENT</b></u> | <u><b>EXCUSED</b></u> |
|---|-----------------------|----------------------|-----------------------|
| Rich DeGrandpre, 11 Timber Ridge Road   | x                     |                      |                       |
| James Hendricks, 21 West Street         | x                     |                      |                       |
| Kristina Egan, 5 Weston Point Road      |                       |                      | x                     |
| Melanie Sachs, 84 Kelsey Ridge Road     | x                     |                      |                       |
| Andrew Wellen, 83 Hunter Road           | x                     |                      |                       |
| Scott Gleeson, 23 Park Street           | x                     |                      |                       |
| Sarah Tracy, 75 Lower Flying Point Road | x                     |                      |                       |

Chair Hendricks called the meeting to order at 6:35 p.m. and took the roll. He explained that Councilor Egan is excused this evening.

**FIRST ORDER OF BUSINESS:** Pledge of Allegiance

Everyone stood and recited the pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the Minutes of Meeting #19-13 held on September 3, 2013 and to accept the Minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the Minutes of Meeting #19-13 held on September 3, 2013 and to accept the Minutes as printed. (DeGrandpre & Sachs)

**VOTE:** (6 Ayes) (1 Excused—Egan)

**THIRD ORDER OF BUSINESS:** Announcements

Councilor Sachs announced that Pine Tree Academy and Harraseeket Inn are getting together to provide a community concert to benefit FCS. Pine Tree Coastal Winds and Freeport Community Band will be playing September 24 from 6-8 p.m. at the Harraseeket Inn. Admission is free, a cash bar will be available and light hors d'oeuvres will be served.

Chair Hendricks announced:

- Winslow Park's Free Fall Camping Week for Freeport residents started yesterday, September 16 and will continue through Saturday, September 28. Please arrive no earlier than 1 p.m. on the day you wish to check in. For more information, please call 865-4198.
- The public is invited to attend a Fall Energy Efficiency Workshop on October 2 at 6 p.m. at the Freeport Community Center. Information on how to improve your home's heating efficiency, the efficiency of your vehicle and where to get help if you need it during the coming winter season will be provided. Presenters will provide low cost energy improvement solutions that can be done by homeowners. For more information, residents can call Johanna Hanselman at 865-4743, Extension 120.
- The Freeport Fire Department will be hosting its annual Fire Prevention Week Open House on October 9 from 5-7 p.m. at the Public Safety Building in Freeport. The Police Department will be presenting their new K-9 officer and there will be a barbecue provided by Taylor Made Smoke with proceeds going to the Explorer Program. There will also be a Freeport Community Services food drive.

- There will be a Freeport Active Living Public Summit on Thursday, November 14 at 6:30 p.m. at the Library.

**FOURTH ORDER OF BUSINESS:** Information Exchange

Councilor DeGrandpre pointed out that the Municipal Facilities Committee has not yet scheduled their next meeting. When it is scheduled, it will be posted.

Councilor Sachs pointed out that the Conservation Commission meeting would not be held tomorrow night. She will let everybody know when the October meeting is scheduled.

**FIFTH ORDER OF BUSINESS:** Town Manager's Report

Mr. Joseph reported:

- This past Saturday, Councilors and Staff participated in a volunteer workday at the new Habitat for Humanity project on West Street. In spite of the fact that most work was completed on extension ladders while utilizing sharp implements, all safety precautions were followed and no serious injuries resulted. Habitat will be hosting an applicant night for any individuals interested in applying for participation in the next round of housing to be constructed here in Freeport at the Community Center on September 24 from 6-7 p.m.
- The Freeport Community Library will host two Book Talks and Signings in October. On October 11 at 6:30 p.m. John Ford, author of *Suddenly the Cider Didn't Taste So Good* and *This Cider Still Tastes Funny*. Friends of the Freeport Community Library are sponsoring this event.

On October 14 at 7 p.m. Barbara Walsh, author of *August Gale: A father and Daughter's Journey into the Storm*. This event is part of the Freeport Community and Merrill Memorial Library's joint "Community Read" program.

- Freeport's Annual Volunteer Recognition Barbecue will be held on Sunday, October 13 from 2-4:30 p.m. at Harb Cottage at Winslow Park. If you are a Town Board/Committee volunteer and you did not receive an invitation, please contact Johanna Hanselman at 865-4743, Extension 120 to make sure you are on the list!
- On Wednesday, September 11 many Town staff members and officials attended a memorial service that was held at the corner of West and Main Streets. Speakers included the Governor and former Adjutant General of the Maine National Guard. The memorial was well attended by residents, visitors and students from RSU #5. Special thanks go out to the Freeport Flag Ladies and everybody else who helped to organize the event.
- The Finance Department Staff was busy over the past week as the Town's new audit team from Runyon, Kersteen, Ouellette were at Town Hall completing the fieldwork for our annual audit. Our financial statements for FY2013, along with the auditor's report, is expected to be completed by December of this year.
- Mr. Joseph is proud to announce that Freeport has once again been honored by the Maine Municipal Association this year with another award for our annual report. This year we were awarded first place in our population category (population 5,000 and over). The content of the annual report is produced by our department heads, however the bulk of the organization, editing and gathering of the material is handled by Caroline Pelletier, the Assistant to the Town Planner.

Councilor Tracy thanked Caroline and all the people that worked on the Annual Report.

**SIXTH ORDER OF BUSINESS:** Public Comment Period – (Non-Agenda Items Only)

**MOVED AND SECONDED:** To open the Public Comment Period. (Sachs & Gleeson)  
**VOTE:** (6 Ayes) (1 Excused—Egan)

Councilor DeGrandpre recognized the Town Manager's first year of service and presented Mr. Joseph with a cupcake with a number one on it.

**MOVED AND SECONDED:** To close the Public Comment Period. (Sachs & DeGrandpre) **VOTE:** (6 Ayes) (1 Excused—Egan)

**SEVENTH ORDER OF BUSINESS:** To take action on the following items of business as read by the Council Chairperson:

ITEM #171-13                      To consider action relative to adopting the September 17, 2013 Consent Agenda.

**BE IT ORDERED:** That the September 17, 2013 Consent Agenda be adopted.  
(Hendricks & DeGrandpre)

Chair Hendricks reviewed the items on the Consent Agenda for members of the public.

**ROLL CALL VOTE:** (6 Ayes) (1 Excused—Egan)

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**MOVED AND SECONDED:** To take an item out of order on the printed agenda.  
(DeGrandpre & Gleeson) **VOTE:** (6 Ayes) (1 Excused—Egan)

**TABLED BUSINESS**

ITEM #164-13 (Tabled from Meeting #19-13; September 3, 2013)

To consider action relative to proposed amendments to Chapter 21: Freeport Zoning Ordinance pertaining to the Village Parking Requirements (Sections 413 and 514).

**PUBLIC HEARING**

**MOVED AND SECONDED:** That the Public Hearing be opened. (DeGrandpre & Sachs) **VOTE:** (6 Ayes) (1 Excused—Egan)

Chair Hendricks explained that the public hearing on Village Parking has been tabled a couple of times. He would prefer to keep comments to 3-5 minutes. He asked speakers to state their names and where they are from.

Christina White, Freeport Historical Society Director explained their mission and that the parking revenue from their lot is important. They are leasing 32 of the 56 spaces they have available. They are concerned that their largest lessee (L.L. Bean) may be released from the shared parking requirement while no new businesses are entering the pool. This lease is related to the public bathroom component that is being

considered. She does not know how many of the 15 spaces could be released. She feels that their parking lot provides free parking to local employees and shoppers because it is not fully leased.

Paul Driscoll, attorney representing Mr. and Mrs. Saunders explained that they purchased the property in 1976. They pulled a building permit and have operated that property consistently without interruption. Their main objection pertains to the proposed elimination of the grandfathering provision. He explained the grandfathering provisions in Maine Law and requested that the Council reject this proposal and recognize that it is unfair to adjust the bargain for the benefit of the uses that came afterwards when there were no such requirements.

Gary Profenno, Chair of Traffic and Parking explained that they reviewed the Planning Board's recommendations after they finished with their recommendations. After their review, it never went back to the Planning Board to see if they would incorporate any of the recommendations they made. Their recommendations fell in line with the Planning Board as far as the bathrooms, the single/multi family in the VC-I, II, III, IV and MDR. In the V-I District they came up with more of a sliding scale rather than a set of 2 for the number of parking spaces. Beyond that, they recommended no changes to the Parking Ordinance at this time. He noted that Freeport has had sufficient parking in the village during the past five years to handle everything that has been going on. Their reasoning was based on the economy and if it continues to come back at a slow rate, we have time to work on parking standards. We have a new train station and we have no idea what that station will do to the parking standards in Freeport. He noted that we are going to have to deal with the lack of RV parking in Freeport. He explained that if this goes through as proposed and there is a reduction in parking standards, there will be businesses in town that will have more parking than they need. They will have the option to either lease them to others or they could decide to develop those spaces into more retail because they no longer need them. This would bring more traffic into Freeport. He mentioned that the Town Planner did a non-scientific parking study in Freeport and for the most part, we had sufficient parking this summer. He pointed out that Traffic and Parking does not believe we need a new Ordinance.

Jim Hopkinson, attorney representing the Feinberg Company, owners of the CVS Building and the Holden Block stated that their objection is based on the status of law in the State of Maine. He noted that his client came to Town and invested in the properties and obtained approval for Site Plan and got those approvals. Their rights were consistent with the Zoning Ordinance, as it existed in the mid to late 80s and early 90s. He requested that the Council put this grandfathering issue to rest.

Andrew Arsenault of Route One South pointed out all these people have invested money downtown and followed the rules. Overturning a grandfathered system is against State law and bad precedent for Freeport. It sets a very bad tone.

Ken Mann of Mann Road was not aware that the grandfathering issue was being discussed. He stated that attempting to overturn it would be illegal and the Town and its citizens would lose. He cannot believe the Planning Board would even consider coming to the Council with an Ordinance like this. Councilor Tracy clarified that the Planning Board voted to not adopt the grandfathering change. She wanted the record to be clear on this.

Stephanie Petkers, owner of the Wishful Moon at 12 School Street explained that she just opened her business on July 4 and signed a parking agreement. Her issue is that she already signed a lease with her landlord that included parking as well as the fact that the Town required she additionally insure an unspecified parking space. It is difficult for new small business owners to come up with the extra money and the additional cost of leasing an extra parking space is a big deal. She hopes that whatever changes the Council makes will be fair to everybody.

Annette Evans of R. D. Allen, 13 Middle Street noted that the parking requirements are definitely a burden. It is still a challenging economy and one needs to make smart business decisions. One of those decisions is to come before the Council and request that it level the playing field. It appears that it will not be getting rid of grandfathering but there are other ways to level the playing field and the Council can figure it out. She appreciates that some of the recommendations on the table right now would alleviate some issues and she hopes some action will be taken.

**MOVED AND SECONDED:** That the Public Hearing be closed. (DeGrandpre & Gleeson) **VOTE:** (6 Ayes) (1 Excused—Egan)

Chair Hendricks read the three different recommendations before the Council tonight. Mr. Joseph explained Section 213.B of the Town Charter concerning Ordinance Amendments.

Councilor DeGrandpre explained his frustration and pointed out that we have wasted a lot of our time and the public's time. The Council has in front of it a recommendation that was not affirmative from Traffic and Parking or the Planning Board yet all the language has been written out here. It should have come to the Council reflecting the Planning Board's opinion because they are the ones that make recommendations to the Council. It is his opinion that grandfathering is not a place the Council should be messing around. These folks have legal site plans with Planning Board signatures. This is a slippery slope.

Councilor Wellen accepts what is in here except for two issues: He would like to remove grandfathering because it is hard to start a business in Freeport. The cost of parking is really high for new businesses. He would like the Town Attorney to see if it is legal to do so and then phase it in. He does not take removing grandfathering lightly. He supports the concept that people in basements or on second floors that do not get as much business should pay less. He hasn't heard any good research supporting the idea of the first thousand square feet being exempt for small businesses so he feels this one should be questioned. He does not want to set up another favored class in Freeport and suggested looking at this seriously.

Donna Larson provided examples, which would trigger site, plan review—new construction or change of use.

Councilor Sachs noted she attended or watched all of these meetings. She feels it comes down to two issues: capacity in the future and grandfathering. We have a question from Traffic and Parking about capacity in the future. She set aside the question of fairness because she has heard "fairness" on both sides. Whether it is fair to continue a practice in perpetuity for a select few or whether it is fair for 25% of the businesses to shoulder 100% of the cost so she has come down to the Ordinance itself. Given the three options that are so different and with so many questions, the fact that it has not been ready for this. The data is not complete in terms of the mere mention of even looking at grandfathering has resulted in a flurry of promised litigation. Our own attorney has not looked at this by every account nor has a solution based focus come in terms of perhaps there's incentives, perhaps there's phase-ins, perhaps there's credits or a more equitable way. There are several proposals in front of the Council but no true solutions it can debate. It may be that incentives, phase-ins or credits are not going to work but she has no way of knowing that at this time. She believes the Ordinance should be looked at because any Ordinance that goes on in perpetuity that did not at its initial state have a review component to it is not necessarily a good Ordinance. She would recommend sending this to the Ordinance Committee if it pleases the Council to look at the possibilities around the Ordinance changes and the impact, cost, capacity, etc. and to have true assumptions based into those would be her point of view.

Chair Hendricks read Councilor's Egan's weigh-in. She would favor a gradual phasing out of grandfathering so that grandfathered property owners would not have to pay for parking as long as the

property remains in current ownership but grandfathered rights would not transfer when the property is sold. She is aware that this will affect the selling price of the property.

Chair Hendricks pointed out that he is opposed to removing the grandfathering part in Village Parking. He would prefer to not open it up to litigation. He is okay with the Planning Board's recommendations A-E. He believes they could have been a little more creative for small businesses. If he has to vote tonight, he would vote to adopt A-E. If the Council decides to send it back, he would prefer that it go to the Ordinance Committee.

Councilor Gleeson likes the Planning Board's recommendations and Traffic and Parking's "b" to replace "c" on the Planning Board's recommendations. As far as grandfathering, he does not like going against our Commissions and Boards. He does not presume to know more than they do. He feels there is some merit in trying to come up with something as far as an equitable solution down the road and whether it should be sent back to Ordinance to talk to these businesses to see if there is any sort of harmonious balance with this. He would be willing to vote on the first option and substituting Traffic and Parking's "b" to replace the Planning Board's "c".

Councilor Tracy noted she is troubled by the inconsistency of all these proposals. She is ready to vote tonight. She would prefer to have some further communication with respect to the proposals between the Planning Board and Traffic and Parking to see if they can come to some sort of resolution. She feels they are not talking to each other. She is on the Ordinance Committee and if the Council decides to send it to the Ordinance Committee, she would be happy to dig into it. She agrees with Councilor Gleeson that if the Council is going to ask for recommendations from our committees, it should give them a lot of weight. If the Council votes on this tonight, she would be open to adopting the hybrid proposal put forth by Councilor Gleeson replacing the sliding scale with respect to residential dwelling units that the Traffic and Parking Committee proposed and inserting it into the Planning Board's recommendation. With respect to grandfathering, she noted that this town has a long practice of keeping predictability as one of the hallmarks of our climate. There is great value in saying to people willing to invest in our community that we are with them and keeping our part of the bargain. In certain circumstances, this can be revisited but she is not hearing the compelling circumstances here. She has heard that it is very difficult for small businesses to make it here in Freeport. She feels the Council has an obligation to figure out how to make it work and has not heard a lot of creative thinking about that outside of this proposal. She is also mindful that those businesses are here in a great economic climate compared to some other towns that were grown on the backs of our original investors. Those people invested early and helped develop this community. Our business base provides 30% of our taxes and all of us benefit from that. This is not to say that she would never consider removing grandfathering. Under these particular circumstances, she comes out with not adopting the consultant's proposal to remove the grandfathering provision.

Councilor Wellen noted that he would not vote for this because he would prefer to have grandfathering looked at. He asked for a consensus from the Council if it even wants to consider removing grandfathering at this point. Chair Hendricks explained that it is apparent four Councilors do not want to take it up and want to leave it as is. Councilor Sachs would prefer to send this back to the Ordinance Committee for further review. He noted that this is the sixth time the Council has spent time on this item and it appears there is general agreement to put it to a vote.

**MOVED AND SECONDED:** To replace the Planning Board's 1. c. with Traffic and Parking's 2. b. (DeGrandpre & Gleeson)

Councilor Sachs cautioned that the Council should know the impact of what it is voting on. She would like more information. More discussion followed.

**ROLL CALL VOTE:** (4 Ayes) (2 Nays—Sachs & Wellen) (1 Excused—Egan)

**8:20 p.m. a 5-Minute Break was taken**

Mr. Joseph clarified the amendment made previously—everyone should look at Appendix A which is the Planning Board’s recommendation, Section 514 Off-Street Parking and Loading—Dwellings and replace with Appendix B 514 the Traffic and Parking’s recommendations for Dwellings. (This is replacing the Planning Board’s 1. c. with Traffic and Parking’s 2. b.)

In addition he instructed the Council to strike out Appendix B. Section 413, the entire block and also strike out all of Appendix C, which are the consultant’s recommendations. This will leave the Planning Board’s recommendations, A, B, D, E and Traffic and Parking’s Recommendation B.

**MOVED AND SECONDED:** To strike language from Appendix A, Section 514, Parking and Loading including all the residential parking requirements—dwellings and keeping the section on retail trade and replace that language with Section 514, Appendix B in its entirety. Strike Appendix C altogether and strike Appendix B. Section 413 “VC-1” and the entirety of Section C. (DeGrandpre & Tracy)

**THE TOWN OF FREEPORT HEREBY ORDAINS:** That the proposed amendments to Chapter 21: Freeport Zoning Ordinance pertaining to the Village Parking Requirements (Sections 413 and 514) be approved as amended. (DeGrandpre & Tracy)

**ROLL CALL VOTE:** (4 Ayes) (2 Nays—Sachs & Wellen) (1 Excused—Egan)

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ITEM #172-13                      To consider action relative to adopting Freeport Economic Development Corporation’s Vision 2025 plan.

**BE IT ORDERED:** That Freeport Economic Development Corporation’s Vision 2025 plan be adopted. (Gleeson & Sachs)

Chair Hendricks explained that he put this on tonight’s agenda and Councilors may want to have discussion on whether or not to use the word “adopt” or “accept”. It can always be changed. He is confident people will want to speak about this tonight and opened up the podium.

Ken Mann of Mann Road noted the motion was to approve and he was hoping that a discussion would take place before any motions to approve or adopt were made. He asked if the Council is approving this as a Comprehensive Planning document or something to be put in the public record or as implementation strategies? He does not know what is meant to “approve”. He views this as FEDC wanting to use taxpayers’ money to a certain extent to come up with a plan for their organization. If this is the case, he asked why the Town Council needs to approve it. If there are things in the plan that FEDC wants to do on its own, he asked why the Council needs to approve it. If there are things in the plan, that by approving it, means the Town is actively going to be following these recommendations, he feels the process is flawed. He feels this has to be a comprehensive planning process. He would like to hear more Council discussion on what they are going to do so he can react to it.

Roben Voigt agreed with the points made by Mr. Mann. He was under the impression that he was coming to hear the process on how this Plan would be utilized as part of the Town planning process. He feels the cart is being put in front of the horse and asked if this Plan should have gone to the Planning Board and then come back to the Town Council. He feels the Planning Board should have a public hearing on what



is in the Plan. He questions how many people in the community have had a chance to see the Plan. He doesn't feel the Council should be adopting, accepting or approving this evening. He would like to see it follow the rules of our Comprehensive Plan and our Town Charter. He is confident that if the Town asked for a legal opinion on this, it would be in trouble. He requested that the Council send the Plan to the Planning Board and have some public input and then we will decide how we are going to use it. He commended the people that worked on the Plan but feels it needs more public input.

Susan Campbell of 38 Hunter Road noted she e-mailed her thoughts to the Council yesterday. She has been following this for some time. Her concerns focus on the process that was used in creating this document, its intent and how it will be used going forward. She would like to know what "adopting" this Plan means. She asked how the Council plans to use it. The Town's Administrative Code authorizes only the Planning Board to prepare, revise and maintain a Comprehensive Plan in accordance with Maine Law, Title 30. Only a Comprehensive Plan prepared through the Planning Board process could be approved by the Town Council. She came back to—"if you say you are going to adopt this, what does that mean?" FEDC does not have any authority in the Comprehensive Planning process.

Guy Quartrucci of South Freeport noted he has no intention of speaking to the content but the agenda item was to adopt the Vision 2025 Plan. He asked:

1. what the Council is adopting?
2. for what purpose?
3. under what administrative authority?
4. and who will implement it?

He explained that FEDC does not have any authority to engage in Comprehensive Planning. They cannot usurp the Planning Board's powers. He feels this is a prime example of funding a private entity with public funds. They face no public oversight and can sometimes lobby policy and positions in conflict with taxpayers. He urged the Council to reject the motion to adopt and thanked the organization for its interest in the business community.

Andrew Arsenault of Route One South noted that he has not read the Plan through completely. He has concerns with the process through which it came tonight. He has similar concerns, which have already been voiced. He is concerned that FEDC is a private development group that has a lobbyist that is housed in the Town Hall that the taxpayers fund. Freeport donates close to \$100,000 to FEDC. He noted this is a development corporation and he feels they should not be developing a planning document whether they are for profit or not. He encouraged the Council to not adopt this document.

Keith McBride, FEDC Executive Director, wanted to make the point that it is important for them to have something from the Council that is a positive reflection on this Plan. They need feedback and buy-in from the community. He is encouraged that he has not heard any complaints about the content and has also heard that he has hit the mark in this Plan. He feels that FEDC and the Town are aligned and these are goals that should be implemented and pursued. It is compatible with the Comprehensive Plan. He offered to answer questions.

Mac Lloyd, Freeport resident, explained that he would bet that 90% of Freeport residents don't know about this Vision 2025. If FEDC had followed the normal process of going to the Planning Board, the Planning Board would have publicized it and provided feedback and then it would come to the Council. That's the process Freeport has to deal with these things. He does not know why they skipped that piece of the process.

Jim Cassida of 5 Timber Ridge Road explained that it is unfortunate wording and he is only speaking for himself as an FEDC member. He is not looking for the Council to adopt or approve the Vision 2025 Plan. Better wording would be to "receive it" which was done for the Vision 2010 Plan. They simply

want the Council to receive it and acknowledge that it exists and they will refer to it over the coming years as they look at individual business development pieces to see if it is consistent with the Plan and weigh the pros and cons of that consistency.

Chair Hendricks had some questions about process. Mr. McBride pointed out all the meetings that took place talking about the Plan and inviting public input. The Plan was posted on the website to make it available to the community. They did not try to supplant the Planning Board to do planning. He is confident they hit the mark pretty well. More discussion followed.

Chair Hendricks took it on the chin for the “adopting” wording and he is okay with “receive” or “accept”. It was never meant to supplant the Planning Board. He apologized if he led people to believe that it was something more than it was.

**MOVED AND SECONDED:** To amend the language to indicate that the Council acknowledges and accepts receipt of the Freeport Vision 2025 Plan. (Tracy & Sachs)

Councilor Wellen feels there is no need to acknowledge or accept and there is no reason to vote on the amendment. Councilor DeGrandpre explained that the Council receives and accepts documents from all kinds of groups. Sometimes it has to do with education, conservation, etc. This is a document largely developed for FEDC to work with.

**ROLL CALL VOTE:** (5 Ayes) (1 Nay—Wellen) (1 Excused—Egan)

Councilor Wellen advised that any planning document should not be formally recognized unless it goes through the Comprehensive Planning process. Councilor Sachs disclosed that she is married to the President of FEDC. She explained how she would use the Plan. She likes the transparency of having specific goals and action plans. She at least knows the direction of the agency, which the Town has chosen to fund to do its economic development work. If they need direction, she is confident they will come to the Council and will still go through Town Planning.

Councilor Gleeson agreed with everything Councilor Sachs stated and will use it in the same way. At the last meeting, it was never said that the Council would be pushed to adopt the Plan. It was a good presentation. He is fine with accepting it and moving forward as we proposed in the amendment.

Councilor Tracy does not consider that this document supplants the Comprehensive Plan. It does not have the same weight. FEDC is trying to take some of the subsets from the Comprehensive Plan and provide concrete action items as a proposal for the Town to move forward with respect to economic development. She agrees with Mr. Voigt that the Town needs a comprehensive approach and not center on one subset of the Comprehensive Plan. She views this as a guidance document but recognizes that additional process needs to happen before any of these ideas get any official Town involvement or get rolled into the town’s activities. She feels the appropriate place for this to happen would be at the Planning Board. She feels it is appropriate for the Town to provide feedback to FEDC about what it thinks are good ideas or priorities with respect to this document. Taxpayer money was spent to fund this document and we spend a significant amount of money in our budget to fund FEDC. She feels the Council or the Planning Board has a role in advising FEDC in their activities in what the Town thinks may be good directions to go in with respect to all the proposals which cannot possibly be accomplished in twelve years. It would be a shame if the Plan just sits on a shelf.

Chair Hendricks had open discussions with Mr. McBride about the possibility of work shopping with the Planning Board. The Planning Board could look at the Plan and see if there were some things they would like to see done. They could then bring it to the Council. He is confident there are ways to utilize this document and involve the Planning Board.

Councilor DeGrandpre explained that as one reads through the goals under “B” and “C”, they have identified some of the challenges we have with our RSU relationship or dealing with people that want to run a race. He is certain a lot of these came from comments from folks that attended the public meetings.

Councilor Wellen asked what people mean by “accept”. He would prefer “receive”. Councilor Tracy wanted the Minutes to reflect that the Council means physical acceptance rather than substantive acceptance.

**BE IT ORDERED:** That the Town Council acknowledges and accepts receipt of the Freeport Economic Development Corporation’s Vision 2025 Plan. (Tracy & DeGrandpre) **ROLL CALL VOTE:** (5 Ayes) (1 Nay—Wellen) (1 Excused—Egan)

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ITEM #173-13                      To consider action relative to the potential donation of a 27.41 acre parcel from David L. Marstaller to the Town of Freeport.

**BE IT RESOLVED:** That the Freeport Town Council supports the acceptance by the Town of approximately 27.41 acres of open space shown on the plan titled “Lakewood Subdivision”, dated September of 2013. Said acceptance is conditional on final approval of the proposed subdivision by the Freeport Project Review Board, as well as any legal, title, environmental, or other review that the Town Council deems appropriate prior to acceptance. (Sachs & DeGrandpre)

Councilor Sachs read a statement from the Conservation Commission Chair, Will Beck, into the public record endorsing this project. He does not foresee any additional costs.

Chair Hendricks explained that he does not feel there needs to be much deliberation on this since the earlier concerns have been addressed. We are at the point that the Town is pretty much covered no matter what. If anything comes up either legally or environmentally, the Town can back out of it. Mr. Joseph explained that the Council is not accepting anything tonight. The resolution is that the Town intends to take the property if all the conditions are met. Mr. Marstaller needs an indication of interest from the Council in taking the property before the Project Review Board can finally approve the subdivision. That needs to happen before the Council can take a vote to accept it. There are two more steps that need to be taken before the Council can accept it. Discussion followed.

Councilor Wellen noted that he is fine with accepting this donation. His concerns have been addressed. Councilor Tracy has no problem with the resolution language but wants to emphasize that the Council’s acceptance is conditioned upon final approval and any other reviews that we feel are appropriate before our next vote. She appreciates the donation of public land but wants to make sure that this property is not burdening our taxpayers in anyway that is unintended. She feels it is important to have environmental reviews and anything else that would be normally done on a piece of property so we go into this with our eyes open. She asked that the Minutes reflect that she could not make a decision without expecting that all those reviews will be conducted and any indication now is highly conditional.

Councilor Wellen asked how much it would cost to do the environmental reviews. Mr. Joseph estimates that the cost would be \$1,000-\$5,000. If the cost ends up being a ton of money, it would come back to the Council. Councilor Wellen suggested possibly splitting the costs with the developer since he won’t have a lot of legal costs. Mr. Joseph pointed out that 27 acres are involved.

**ROLL CALL VOTE:** (6 Ayes) (1 Excused—Egan)

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**OTHER BUSINESS**

1. Water District Update

John Karp, Chair of the Freeport Water District, provided Councilors with a copy of the Maine Water Report. He advised that the wells and maintenance are all in good shape. The system is in pretty good shape. Their customer count is steady and there is 95% customer satisfaction. They use a low amount of fluoride. They are not planning any major infrastructure changes.

There were no questions raised. Mr. Karp was thanked for his update.

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**MOVED AND SECONDED:** To adjourn at 9:50 p.m. (Tracy & DeGrandpre) **VOTE:** (6 Ayes) (1 Excused—Egan)

Respectfully submitted,

Sharon Coffin  
Council Secretary

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #21-13**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**TUESDAY, OCTOBER 1, 2013 – 7:30 P.M.**

|   | <u><b>PRESENT</b></u> | <u><b>ABSENT</b></u> | <u><b>EXCUSED</b></u> |
|---|-----------------------|----------------------|-----------------------|
| Rich DeGrandpre, 11 Timber Ridge Road   | x                     |                      |                       |
| James Hendricks, 21 West Street         | x                     |                      |                       |
| Kristina Egan, 5 Weston Point Road      | x                     |                      |                       |
| Melanie Sachs, 84 Kelsey Ridge Road     | x                     |                      |                       |
| Andrew Wellen, 83 Hunter Road           | x                     |                      |                       |
| Scott Gleeson, 23 Park Street           | x                     |                      |                       |
| Sarah Tracy, 75 Lower Flying Point Road | x                     |                      |                       |

Chair Hendricks called the meeting to order at 7:41 p.m. and took the roll.

**FIRST ORDER OF BUSINESS:** Pledge of Allegiance

Everyone stood and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the Minutes of Meeting #20-13 held on September 17, 2013 and to accept the Minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the Minutes of Meeting #20-13 held on September 17, 2013 and to accept the Minutes as printed. (DeGrandpre & Tracy)  
**VOTE:** (7 Ayes)

**THIRD ORDER OF BUSINESS:** Announcements

Councilor Sachs announced that there will be an Energy Fair—How to get through another Maine Winter tomorrow at 6-7:30 p.m. at the Freeport Community Center. This workshop will provide information on a variety of topics by experts to help residents get through the winter. It is free to everyone.

Councilor DeGrandpre announced that the Natural Gas Committee would be meeting at 7:30 a.m. on Thursday, October 10 in Council Chambers. The discussion will be on costs and the next steps going forward. Anyone with an interest is invited to attend.

Chair Hendricks announced:

- The next Council meeting will be held at the French School at 99 South Freeport Road. The District 3 Workshop will begin at 6:30 p.m. and the regular Council meeting will begin at 7:30 p.m. This is an opportunity for residents of District 3 to talk to the Council.
- Everyone is invited to attend the Fire Prevention Open House on October 9 from 5-7 p.m. at the Public Safety Building. There will be many agencies participating as well as the Freeport Police who will be present with their new K9 officer. There will also be a Child Car Seat Safety display as well as a food drive to support the Community Center Food Pantry. There will be Interactive activities for all ages!
- If anyone has moved since the last time they voted, please stop by the Town Clerk's office by October 31 with proof of residency so that your name will appear on the correct district-voting list. A Municipal Election will be held in November so the voting lists will be split by district. If anyone cannot make it to Town Hall by October 31, a Voter Registrar will be available at the

polls on Election Day to make address changes, but please make sure to stop by the Voter Registrar's table before proceeding to the check-in line to vote, as the Registrar will need to provide the proper paperwork and direct you to the correct District table.

- There will be a Public Flu Shot Clinic for Seasonal Flu on October 22 from 9-11 a.m. in the Freeport Town Council Chambers.
- The Fourth Annual Historic Barns and Quilts Tour sponsored by the Freeport Historical Society will take place on Saturday, October 5 from 9 a.m.-3 p.m. The event will feature visits to four unique barns built during the early 19<sup>th</sup> through late 19<sup>th</sup> century. For more information, contact Freeport Historical Society at (207) 865-3170 or [info@freeporthistoricalsociety.org](mailto:info@freeporthistoricalsociety.org).
- Nomination papers are available for Citizen of the Year 2013. They can be obtained from the Town's website, the Town Clerk's office, the Town Manager's office and the Library. The deadline for submission is December 5, 2013. Chair Hendricks explained the award.

**FOURTH ORDER OF BUSINESS:** Information Exchange

Councilor Egan advised that the Active Living Task Force would be having a Public Summit on November 14, at 6:30 p.m. at the ~~Library~~ Community Center. She requested that residents come and share their ideas about how they would like Freeport to improve its safety and its ability to get around in a more active way. If anyone is more interested in getting involved in the Task Force, they have a meeting scheduled tomorrow at 7:30 a.m. here in Town Hall for planning the Summit and they will be hearing from their consultant who is developing an Active Living Plan for Freeport.

On October 13, Freeport will be having a Volunteer Barbecue Appreciation Day for anyone that volunteers on Town Boards or Committees. There will be games and prizes. There is an RSVP up on the website so the Town will know how many people to cook for.

Councilor DeGrandpre noted that the Municipal Facilities Committee would be meeting on October 8 at 6 p.m. in the Council Chambers. There are two items on the agenda. They will be discussing the location of the Silver Bullets and the DiPietro property that the Town acquired for back taxes several years ago. They plan to discuss what they might or what they might not do with that property. If anyone has an interest, please plan to attend the meeting.

**FIFTH ORDER OF BUSINESS:** Town Manager's Report

Mr. Joseph reported:

- The Freeport Town Council attended a regional meeting on Monday, September 30, 2013 with Municipal Officers from the Towns of Chebeague Island, Cumberland, Falmouth, North Yarmouth and Yarmouth. The meeting included a report from Greg Jordan, Executive Director of Greater Portland Transit District (METRO Bus) on potential service extension and roundtable discussions about regionalization and developing a list of potential regional projects, programs and municipal initiatives that should be the focus of our collaborative efforts with our neighboring towns for the next year or two.
- First half tax bills for fiscal year 2014 have been mailed. Bills are due on November 15, 2013. If anyone has not received their bill by the second week in October, please contact the Finance Department at 865-4743, Ext. 6 to ensure that we have the correct address on file for their property.
- Freeport collected funds to help rebuild Bibliotheque de Lac-Megantic, which was completed destroyed by the tragic railroad accident in July. Donations were received from Library patrons as

well as Library and Town Hall employees. \$218 was raised and thanks were extended to everyone who donated.

- He spent part of this week in Boston at the International City/County Managers Association (ICMA) 99<sup>th</sup> Annual Conference. ICMA is the primary professional association for municipal managers and department heads worldwide. Nearly 4,000 Town and City Managers and senior staff members attended the conference this year. Educational sessions ranged from technical and management oriented topics, personnel management, and ethics to civility in the Town Hall, emergency preparedness, and case studies of successful projects. Anyone who would like to learn more about the association is welcome to talk to me at their convenience.
- Town Clerk Tracey Stevens was co-trainer alongside Deputy Secretary of State Julie Flynn this past week for the Voter Registrar's training at Spectacular Events Center in Bangor. They trained over 175 people for the upcoming election. Both new and veteran Registrars attended this training session to learn about new and existing election laws, re-districting procedures and how to use the statewide voter registration system. She will be doing the same on October 15 in Portland.
- The Sandy Beach stair replacement project should be completed by next week. The stairs will be completed by the end of this weekend. However, additional work installing granite steps at the bottom of the new aluminum steps will be required before the project is completed. Falls Point Marine is completing the work and a Small Harbors Improvement Program (SHIP) grant is primarily funding it with a match from the Town of Freeport. The new aluminum steps are expected to be a vast improvement over the former decaying wood steps that had been in place for many years.

**SIXTH ORDER OF BUSINESS:** Public Comment Period – (30 Minutes) (Non-Agenda Items Only)

**MOVED AND SECONDED:** To open the Public Comment Period. (Egan & DeGrandpre) **VOTE:** (7 Ayes)

There were no public comments provided.

**MOVED AND SECONDED:** To close the Public Comment Period. (DeGrandpre & Egan) **VOTE:** (7 Ayes)

**SEVENTH ORDER OF BUSINESS:** To take action on the following items of business as read by the Council Chairperson:

ITEM #180-13                      To consider action relative to adopting the October 1, 2013 Consent Agenda.

**BE IT ORDERED:** That the October 1, 2013 Consent Agenda be adopted. (Hendricks & Egan)

Chair Hendricks reviewed the items for members of the public.

**ROLL CALL VOTE:** (7 Ayes)

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**OTHER BUSINESS**

Councilor Sachs suggested that the Council move up Items 2 and 3 since they will only take about 5 minutes each. She noted that the Casco Bay Create Awareness Now folks have a long commute home.

She mentioned they have important messages and she does not want them to get lost. Chair Hendricks did not have a problem with rearranging the agenda since Chuck Lawton had not yet arrived. Mr. Joseph advised that Mr. Lawton was advised to arrive at 8:30. While he is on schedule, the Council is early.

**MOVED AND SECONDED:** To take up Items 2 and 3 out of order. (Sachs & Tracy) **ROLL CALL VOTE:** (7 Ayes)

2. Casco Bay Create Awareness Now (CAN) update on youth substance abuse prevention. Kim Allen introduced Anne-Marie Davee. Ms. Davee explained that she has been on the steering committee of the Casco Bay CAN Coalition since its inception four years ago. She noted that the Coalition serves the towns of Freeport, Yarmouth, North Yarmouth, Cumberland, Falmouth and Pownal. Their intent is to increase awareness about substance abuse in youths. This unique group of health professionals come together once a month with school counselors, law enforcement, public safety, concerned parents, health care professionals, nurses and a variety of professionals that are talking about what's going on in our region as far as substance abuse in our youths and what we can do to prevent it. The ultimate goal is to change attitudes, behaviors and culture around drinking and substance use. They provide educational opportunities. She has been involved with Table Talks in parents' homes about issues that are facing youths in relation to substances. They have provided drug impairment educator training for teachers, nurses, etc. that really need to know what to look for. They are in year 4 of a 5-year grant.

Ms. Allen explained that they received \$650,000 for five years and that is spread over the six communities they serve. The other part of their work is with schools and communities and then working with law enforcement. They feel they have been very successful in the communities.

Ms. Davee pointed out that they have a "You Can Tip Line" where neighbors, parents and community members can anonymously text this line. It goes to Canada and then comes back so it cannot be traced. It has been successful for law enforcement to be given a heads up on parties where underage drinking or substance abuse may be occurring. They have received 94 relevant tips in three years. Directions are on their website [www.CascoBayCAN.org](http://www.CascoBayCAN.org).

3. Archangel Committee – Russian Sister City Project. Neale Duffett explained that Freeport was one of the original 14 cities and towns that make up Greater Portland that signed a treaty back in 1988 to have a sister city in Northwest Russia called Archangel. Over the years, many delegations have come here and many have gone there. On November 18 we will be celebrating the 25<sup>th</sup> anniversary of the sister city relationship and they are inviting all Greater Portland members to come to Westbrook Middle School at 4 p.m. He had handouts for the Council and invited Councilors to attend. They are not asking for money. He actually presented each Councilor with a coffee cup. He will follow up with the Town Clerk to see if someone could attend from Freeport. They expect a group from Russia to attend during that week. The theme of the trip is public/private partnerships working together to solve community issues. He plans to talk to the Town Manager or Town Clerk to learn what might be going on in Freeport the week of November 18.

4. Discussion on FY2014 Tax Rate.

Mr. Joseph noted that the tax rate was set at \$15.18 per thousand, which is an increase of 40 cents over last year's rate. A 2-cent increase was due to the Municipal side of the tax along with an increase in the County tax bill and the RSU's tax bill.

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**NOTE:** Alex Abbott stepped up to the podium and announced that the Active Living Task Force would be meeting at the Community Center, not the Library on November 14.

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**MOVED AND SECONDED:** To adjourn at 8:10 p.m. for a few minutes until the consultant arrives. (DeGrandpre & Egan) **VOTE:** (7 Ayes)



At 8:15 p.m. Chair Hendricks called the meeting back to order.

1. RSU#5 Study Update.

Chair Hendricks explained that the Council commissioned the study to serve as a piece of public information for Freeport citizens. The decision to remain in the RSU or withdraw from it is completely up to Freeport citizens in a public process. The Council will not make that decision. He noted that the Council has received many questions in the past few days and he thanked everyone for their input. The questions were forwarded on to the consultants. The consultants were only asked to provide a certain amount of general information to the Town Council in this report and under the budget that was set. It is quite possible that requests for additional information not included in the original report, may require additional time upon the consultants and may result in additional expenditures which at this point, the Council may or may not choose to pursue, especially if it is going to cost more money. He explained the process that would be followed tonight. He noted that everyone will get an opportunity to speak but hopefully comments can be kept to 3 minutes. There will be no clapping or booing permitted.

Consultants Chuck Lawton of Planning Decisions, Inc. and Jack Turcotte, retired superintendent of schools and town manager from Arundel, Maine explained the elements contained in the report they provided: a demographic element, an educational program element and a fiscal element. The report states that the total cost of education if Freeport were to be a stand-alone district, would be \$18.9 million and Freeport would have to pay an additional \$4 million per year for education if it withdrew from the RSU. They then offered to answer questions.

Councilor DeGrandpre asked if there is more information available that was boiled down into this report. Mr. Lawton indicated that there are a separate set of spreadsheets for each town that he could make available and that he worked with the RSU budget.

Councilor Tracy had questions regarding the \$18.9 million number and what goes into it. She asked how to get a sense of the likely financial picture without taking into account savings that would result in not educating 200-230 students. Mr. Turcotte noted the true answer to that question would be at some point a return to the Freeport stand-alone budget that would need to be generated. Freeport could go to the RSU and ask that they provide a budget as if this were the only town.

Councilor Sachs believes this was why the Town paid the consultants \$10,000. She felt this was their charge. She feels the Council was quite clear in that it wanted a detailed analysis to bring to the citizens regardless of the conclusion. Mr. Lawton noted that when they left the interview, there was an educational structural component that the Council wanted Mr. Turcotte to do and an enrollment and fiscal component that the Council wanted him to do. This was what he did. If this is not adequate, he noted he could take it further. Educational structure of a Freeport-only system was not what he took to be his component of the responsibility. Mr. Turcotte pointed out that it would be very difficult for an outside person to create the stand-alone analysis without a tremendous burden being put on the School's Business Department and the Superintendent. In essence it would have to be those two that would have to create that new budget and it may be something that has to be done.

Chair Hendricks noted that he was looking for a little more in financial analysis and not necessarily a line-by-line budget. He would have thought that transportation costs, State averages on how many teachers per number of students, how many administrators per students, etc. could have been provided. Councilor Tracy noted that the \$4 million dollar number is not the number because all the things we are talking about—transportation, a possible reduction in teachers, etc. should be a savings from that \$4 million dollar number. Mr. Lawton agreed that those things would reduce the \$4 million dollar number. Councilor Tracy advised that what the Council asked for is a likely figure of what it would cost to go alone and what the Council got was the worse case scenario that doesn't account for any possible savings that Freeport might get from not educating students from Pownal and Durham. Mr. Lawton agreed.

Councilor DeGrandpre noted that he was looking for an assessment of a scenario that would involve Freeport's school system not being part of an RSU but still educating the children who wanted to come here. Pownal kids have attended Freeport High for as long as he can remember. What it looked like the year before we consolidated would have probably been a fair benchmark to start with. The Council was hoping to have some set of facts to go with some set of numbers that is far more likely to be a scenario. He feels the Council did not do a good job of articulating this.

Mr. Lawton noted there was a failure to integrate the programmatic evaluation and the fiscal evaluation. They could take it to the next step and tie them together. If they spent another week talking about Mr. Turcotte's program and his trying to link that with what it will cost, how many offerings, how many teachers, transporting how many students with whatever is in the RSU budget now, they could come up at less than \$18.9 million. It could be a fact-based analysis based on additional digging. It is simply not where they got tonight.

Councilor Gleeson pointed out that the \$4 million is the worst case and the least likely case if we simply just sat on everything and did nothing. He mentioned that there might be a chunk of students that would tuition back and asked if that amount would be taken from the \$4 million number. Mr. Lawton agreed that this would be a likely avenue.

Councilor DeGrandpre asked Ms. Yacoben to go back in 2008/2009 for the total cost of education and provide them to the Council. Ms. Yacoben mentioned that she would have to work on this.

Councilor Tracy explained that the Council needs to know what the possible scenarios are of what our education would look like in a go it alone scenario yet some kids would tuition back like they did before we consolidated. Pownal has always been with Freeport and some Durham kids have been with Freeport for the long haul. It is not unreasonable to assume that some population would choose to come to Freeport because perhaps it is not as big as Brunswick. It doesn't seem like the educational quality analysis factors are in that scenario. She explained that she is not for or against withdrawal. She is trying to make this decision and get the information so she knows what she is dealing with. If Freeport were to pull out, she asked what would be the middle ground educational scenario if some kids tuition back in. She noted that she only saw extremes, everybody is in or everybody is out, there is nothing in the middle. She is struggling with this and asked what the picture would look like. She felt this analysis was missing.

Chair Hendricks opened the meeting up to the public.

Nelson Larkin, Freeport resident and RSU 5 School Board Chair asked for clarification from Mr. Turcotte. When the RSU 5 was formed, Pownal and Durham gave up school choice by consolidating into the RSU 5. If Freeport left the RSU, Pownal and Durham would still be the RSU 5 and because they do not have a high school, they would have to go out and create a 10-year contract with some other school district to take a certain percentage of their kids. Mr. Turcotte clarified that in a withdrawal, a plan needs to be submitted to the State that guarantees the education of your high school students for 10 years. It does not mean that there needs to be a single contract with a single municipality or a single high school. He has seen withdrawal agreements that contain letters from four different school systems stating they would be happy to take the students and for the next 10 years, they are welcome to attend. You need to have clear provisions for the high school kids for 10 years.

Charly Haverstat, Freeport resident, advised that she is helping to orchestrate the petition drive for a review of the RSU. She noted that this is a very complicated topic and people should be proud of themselves for bringing this to the forefront. Objective data is what people are asking for so they can make a decision on how to move forward. She asked Mr. Turcotte if Orono pulled out of their RSU and if so, could he provide details on the decisions behind it. Mr. Turcotte offered to look into it. Ms. Haverstat asked how they could package up the petition so that people will understand it. Councilor DeGrandpre advised that the clock starts ticking when the petitions are turned in. Over the next week or two, he is confident the Council will be able to nail down some answers so folks can start making a good decision. That dialogue needs to take place before we have a special election and try to figure out which direction

to go in. He noted that the group could delay turning in the petitions for a period of time and everyone can continue to work together and figure out what information we need if we need another week or two. Start the clock and then there is plenty of time for the community to start thinking about what this community needs educationally, financially as well as our relationship with our neighboring towns. He feels the communities should be engaged as well. We really need to determine how best this works for Freeport and at the end of the day, our relationship with those communities will drive tuitioning to Freeport if we make a decision to leave. If we decide to stay, having good relationships can only help.

Councilor Gleeson asked Mr. Lawton if he writes his game plan to Councilor Sachs about expanding for other data, how long would he expect to get the additional data on some of these hypotheticals that you offered to possibly expand on if we all decide to accept that. Mr. Lawton noted that if that is an interpretation of the Freeport alone data driven both by the last Freeport alone budget and the current RSU budget, he could work with Mr. Yacoben for 2-3 hours and spend the next day extrapolating from the RSU budget. This will be up to Ms. Yacoben's schedule.

John Egan, Freeport resident from Curtis Road, thanked the Council for going after the data. He noted that there are a lot of people not willing to wait and are moving forward. He agreed with Kate Warner's letter. He encouraged the Council to stay on course and also listen to constituents. He disagrees with Mr. Lawton's comment about population trends being grossly affected over the next decade by whether or not we are in or not in the RSU. He feels this is a false statement and explained why he feels this way.

Jerry Kennedy of Pine Street pointed out that he is disappointed with this report. Taxpayers paid for alterations at the High School a few years ago with no help from the State. Now we are overcrowded again and we put it out to vote and it has not happened. In the next entry, he hopes we use language that is a little bit softer and the numbers we use are sensitive to exactly what we are looking at and what Freeport needs from the report. There are a lot of people in Freeport that are very in favor of public education and aware that we need to be competitive. Part of being competitive, is that one pays for education. He wants a balanced picture of what is needed in Freeport.

Lindsey Sterling wants a number tonight that is different than the \$4 million. In a recent state of the schools report there was a table that indicated the per pupil cost was slightly over \$12,000. She asked if she could multiply 214 non-Freeport students times \$12,000 and subtract that number from the \$4 million to arrive at a reasonable cost estimate tonight. She needs to know something tonight and wants to make a judgment call tomorrow. Mr. Lawton tried to explain where the scale tips and that it is not that simple. Ms. Sterling does feel this \$4 million dollar is not useable. She suggested ball parking it.

John Jacques of Mann Road thanked the Council for asking all the tough questions. He would like to move forward with the petition and improve Freeport's school system.

Mary Ann Doyle thanked the Council for asking such great questions tonight. Residents need to make an informed decision about this issue. She suggested looking at programming for all our schools and not just the high school. We need to take into consideration if we have been cutting programs at the elementary schools in order to fund programs at the high school. She wants everyone to look at the proposed high school renovation. It is worth a discussion with the architect or engineer to find out if we are going to be operating a smaller school district and planning on a smaller high school, what does this do to the renovation costs. She assumes it will not be the same for 400 students as it would be for 700 students.

Kristen Dorsey, Freeport resident brought up the competitive nature of our region that Mr. Turcotte mentioned. Freeport has housed many private institutions and now we have the charter schools. If we are going to talk about competitiveness, it is important that any comparisons that are done are done with schools that are more local and do a better analysis of what programming we have now as a consolidated district compared to what programming Yarmouth, Falmouth and the Casco Bay Alliance schools are offering. If we withdraw from the RSU, she is confident that there would have to be adjustments to programming. She would like to see that we use those more local towns who are our competitors as far as digging deep into the numbers and what our programming could look like and how it impacts our

administrative costs. She would like to see some real clear information provided to people about whether or not consolidation has been a benefit to Freeport.

Brendan Twist, Portland resident and a reporter for The Forecaster had questions about the expenses included in the \$18.9 million figure. Councilor Tracy explained them.

Jerry Antl, Freeport resident suggested that the Council look at transportation and some of the shared costs that have gone into the analysis. In comparing towns like Cape Elizabeth, that chose not to consolidate, they did not see those cost increases. He feels it is attributable to lower transportation costs. He will look forward to seeing the numbers.

Beth Parker, Freeport resident and School Board member, noted that one of the reasons Freeport's transportation costs are so high is because it has four schools that it has to operate. The whole brick and mortar part of operating four schools costs more. She is disappointed in the report and feels she could have taken the cost out. She feels that one has to look at what each town is paying. She disagreed with a letter stating that since we consolidated, we made severe cuts in salaries and teachers and programs. This is not the case since programs have been added. She explained the improvements made to the high school since it joined the RSU back in 2009 including an influx of young teachers and administrators with fresh ideas. Those advancements could be undone if Freeport pulls out from the RSU.

Nelson Larkins advised that there is a school board meeting tomorrow night. A special agenda item is to consider whether to put out two questions to bond in November. For informational purposes, after seeking a legal opinion, if these two bonds passed and Freeport decided to withdraw, it would not necessarily go forward. If the bonds were passed, it would give the RSU 5 School Board the rights to issue the bonds to incur the debt and go forward with high school renovations. This is important for the Council and the public to understand going forward. If the School Board votes tomorrow night in favor of putting this out to bond, the realization is going to be in part, that this is not necessarily committing these three communities to spending those millions of dollars towards any project. It simply gives the Board that opportunity if they so desire. He would suggest that if the Board had that opportunity, they would never use it unless they were sure they were going to have a school district to use it for. The School Board has to keep in mind as well that a withdrawal process could take a long time. It could mean a vote in 60-90 days or a vote in another year. In the meantime, even if we were to pass a bond in November, we could not really break ground until next year and this being a two-year project, we are looking out two to three years before we even have this project. If Freeport does not withdraw, you still have this growing population of students coming in. These are some factors that he is certain the Council is aware of and the School Board has to consider. There is a commitment potentially to go forward with this but the money doesn't necessarily have to be spent if circumstances change.

Mr. Larkins noted this is an interesting process to him because if less than 200 more people would have come out and voted for the bond, he wonders if any of us would be here tonight. This is a perspective that he continues to look at that if a school renovation bond were passed in November, would we really be doing all this. Is the end product that Freeport wants this high school building renovated or is it really that Freeport wants to withdraw and go on its own? We have opened up a lot wider discussion that is very useful to everyone but he urged them to keep in mind how did we get here?

Mr. Joseph noted he would give some unofficial numbers that he should not be quoted on tomorrow. He took the 2009 figure prepared by Ms. Yacoben, which is \$15.89M, and he looked at the rate from the RSU over the four years. He found an error and asked everyone to hold on.

Councilor Tracy asked if Staff could call other towns that have gone through a withdrawal and determine what the legal costs of withdrawal would be. Mr. Turcotte advised that the cost depends on how long it takes but it is pretty common to have attorney costs for both sides of the table. He mentioned that one town exceeded \$40,000.

Councilor DeGrandpre mentioned the cost share that was negotiated when the RSU was formed. Freeport is participating at a higher rate than the other communities. He has heard from folks that those communities believe that Freeport should pay more simply because we have more businesses in town. That cost share issue was hotly contested when the rpcs came back with the suggestion. It was hoped that those cost shares would evolve over time and migrate towards a per student basis so that each community would end up paying for their own students to be educated and not ask one community to subsidize the others. This is a concern that is out there. At some point, Freeport really needed to have this discussion and this is probably as good a time as any. He feels we should get a lot of things on the table to consider as we decide whether or not to move forward.

Mr. Joseph threw out some numbers for people to digest. In FY 2009 of the Freeport School Department, our total tax levy was \$15,852,434. That is what it cost the Freeport taxpayers to run the Freeport schools. In FY 2010 we started in the RSU, the total tax levy cost was \$12,985,533. Moving up four years to this year the bill for FY 2014 will be \$14,294,054. This is almost a 10% increase or 2 ½% on average over the four years. Assuming that the Freeport School Department increased at the same rate that the RSU has increased these four years, it would bring us to \$17.8M. This is a range to think about.

Chair Hendricks reeled in the conversation. He noted that Mr. Lawton offered to meet with Ms. Yacoben and will provide some financial numbers at least from a beginning point.

Councilor Tracy noted that the Council is looking for more accurate estimation of costs to Freeport as a stand-alone entity. Councilor Egan asked for a comparison of course offerings now compared to pre-consolidation for the high school. One of the residents requested that this be done for all schools. Another piece discussed this evening is trying to determine the savings resulting from consolidation. Councilor Tracy feels this is something that can be done internally with the help from our RSU. Also needed are the likely legal costs associated with withdrawal. We need to determine whether Freeport's contributions to education have increased or decreased since consolidation. Chair Hendricks pointed out that if the Council were going beyond the scope of the contract, we would be incurring additional costs. Councilor Tracy is confident that a lot of this can be done internally. We need to identify now what needs to be done and who needs to do it.

Councilor Egan suggested taking the first three since they are the most critical things for the community to get their arms around. For the more accurate estimate, Mr. Lawton and Ms. Yacoben are going to take a crack at. The difference in the programmatic offerings, Councilor Egan feels the RSU can pull out the academic offerings they have had in the last year. We already have the current ones from Mr. Turcotte. If there are inaccuracies, perhaps he can help correct them. Just give us those two lists. On the last one, the savings from consolidation, this is something we think we can do building off Mr. Joseph's rough numbers that he outlined today and working backwards.

Councilor Egan mentioned that when the analysis is done, she asked Chair Hendricks how he sees the Council bringing it back to the public. Chair Hendricks explained that it would follow the same process that took place tonight. He assumes Mr. Lawton would be here because he is part of the financial piece. The public will have an opportunity to raise questions if they so desire. He does not have a timetable in mind at this time. The Council will give it its best effort to make it available in the soonest method possible. It will be noticed on a regular meeting and people can attend.

Councilor DeGrandpre asked who would contact the RSU to get all this information. Mr. Joseph advised that Ms. Yacoben would be contacting the RSU. Councilor DeGrandpre requested the above EPS contributions from the three communities over the life of the RSU. He would find it very helpful.

Chair Hendricks thanked everyone for coming. He assured them that the Council would do what it can to get as much information as possible but asked them to keep in mind that a lot of the information will be the best estimations we can get and a lot will be hypotheticals. As soon as the information is put together, it will be put on a meeting agenda.

Councilor DeGrandpre encouraged folks to check the data themselves.

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**EXECUTIVE SESSION**

ITEM #181-13            To consider action relative to an Executive Session concerning a personnel matter (1 M.R.S.A. § 405(6)(A)).

**MOVED AND SECONDED:** That the Town Council enter Executive Session pursuant to 1 M.R.S.A. § 405(6)(A)) to discuss a personnel matter. (DeGrandpre & Gleeson) **VOTE:** (7 Ayes)

**MOVED AND SECONDED:** That the Town Council reconvene into Public Session. (Sachs & DeGrandpre) **VOTE:** (7 Ayes)

No action was taken.

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**MOVED AND SECONDED:** To adjourn at 12:01 a.m. (DeGrandpre & Sachs)  
**VOTE:** (7 Ayes)

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Respectfully submitted,

Sharon Coffin  
Council Secretary

**MINUTES– PART I**  
**FREEPORT TOWN COUNCIL MEETING #22-13**  
**L'ECOLE FRANCAISE DU MAINE**  
**TUESDAY, OCTOBER 15, 2013 – 6:15 P.M.**

|   | <u><b>PRESENT</b></u> | <u><b>ABSENT</b></u> | <u><b>EXCUSED</b></u> |
|---|-----------------------|----------------------|-----------------------|
| Rich DeGrandpre, 11 Timber Ridge Road   | x                     |                      |                       |
| James Hendricks, 21 West Street         | x                     |                      |                       |
| Kristina Egan, 5 Weston Point Road      | x                     |                      |                       |
| Melanie Sachs, 84 Kelsey Ridge Road     | x                     |                      |                       |
| Andrew Wellen, 83 Hunter Road           | x                     |                      |                       |
| Scott Gleeson, 23 Park Street           | x                     |                      |                       |
| Sarah Tracy, 75 Lower Flying Point Road | x                     |                      |                       |

Chair Hendricks called the meeting to order at 6:20 p.m. and took the roll.

**FIRST ORDER OF BUSINESS:** Pledge of Allegiance

Everyone stood and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To take action on the following items of business as read by the Council Chairperson:

**EXECUTIVE SESSION**

ITEM #182-13      To consider action relative to an Executive Session concerning a legal matter (1 M.R.S.A. § 405(6)(E)).

**MOVED AND SECONDED:** That the Town Council enter Executive Session pursuant to 1 M.R.S.A. § 405(6)(E)) to discuss a legal matter with the Town Attorney. (Egan & DeGrandpre) **VOTE:** (7 Ayes)

**MOVED AND SECONDED:** That the Town Council reconvene into Public Session at 6:45 p.m. (Tracy & DeGrandpre) **VOTE:** (7 Ayes)

Recorded by Peter Joseph

**MINUTES – PART II  
FREEPORT TOWN COUNCIL MEETING #22-13  
L'ECOLE FRANCAISE DU MAINE  
TUESDAY, OCTOBER 15, 2013 – 7:30 P.M.**

|   | <b><u>PRESENT</u></b> | <b><u>ABSENT</u></b> | <b><u>EXCUSED</u></b> |
|---|-----------------------|----------------------|-----------------------|
| Rich DeGrandpre, 11 Timber Ridge Road   | x                     |                      |                       |
| James Hendricks, 21 West Street         | x                     |                      |                       |
| Kristina Egan, 5 Weston Point Road      | x                     |                      |                       |
| Melanie Sachs, 84 Kelsey Ridge Road     | x                     |                      |                       |
| Andrew Wellen, 83 Hunter Road           | x                     |                      |                       |
| Scott Gleeson, 23 Park Street           | x                     |                      |                       |
| Sarah Tracy, 75 Lower Flying Point Road | x                     |                      |                       |

Chair Hendricks called the meeting to order at 7:40 p.m. and took the roll.

**FIRST ORDER OF BUSINESS:** Pledge of Allegiance

Everyone stood and recited the pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the Minutes of Meeting #21-13 held on October 1, 2013 and to accept the Minutes as printed.

Councilor Egan referred to the second paragraph on page 5 and suggested deleting “The report states that the total cost of education if Freeport were to be a stand-alone district, would be \$18.9 million and Freeport would have to pay an additional \$4 million per year for education if it withdrew from the RSU.” There was general agreement to delete the sentence.

**MOVED AND SECONDED:** To waive the reading of the Minutes of Meeting #21-13 held on October 1, 2013 and to accept the Minutes as edited. (DeGrandpre & Egan)

**VOTE:** (7 Ayes)

**THIRD ORDER OF BUSINESS:** Announcements

Councilor Sachs explained that at [www.WinterKids.org](http://www.WinterKids.org). Parents can sign up for their 5<sup>th</sup>, 6<sup>th</sup>, and 7<sup>th</sup> graders to get a Winter Kids passport. They can go tubing, ice skating, etc. at a big discount. On October 28 from 6:30-8 p.m. Freeport Community Services will be having its annual meeting at the Community Center on Depot Street. Refreshments will be available at 6:30 and the program will run from 7-8 p.m. It's free to the public and the Carol Kaplan award will be given to an outstanding volunteer at FCS.

Chair Hendricks advised:

- on November 5, 2013 the polls will be open from 7 a.m. to 8 p.m. at the Freeport High School Gymnasium for the State Referendum and the Municipal Election. Absentee ballots are now available at the Freeport Town Clerk's office. The deadline for requesting an absentee ballot is Thursday, October 31 at 6 p.m. Information on absentee voting can be viewed on the Town's website, [www.Freeportmaine.com](http://www.Freeportmaine.com).



**COUNCIL MEETING #22-13**  
**OCTOBER 15, 2013**

- The Freeport Police Department is participating in the national Drug Take Back Initiative on Saturday, October 26 from 10 a.m. to 2 p.m. Residents can bring unused, unwanted or expired medication to the Freeport Public Safety Building for proper disposal. Items that are acceptable are listed on the Town's website, [www.Freeportmaine.com](http://www.Freeportmaine.com).
- Nomination papers are available for Citizen of the Year 2013. They can be obtained from the Town's website, the Town Clerk's office, the Town Manager's office and the Library. The deadline for submission is December 5, 2013.
- A public Flu Shot Clinic for seasonal flu will be held on October 22 in the Freeport Town Council Chambers from 9 a.m.-11 a.m. Donations will be accepted.

Councilor Sachs pointed out that there also will be a public Flu Shot Clinic at Freeport Community Center on October 24. Information may be obtained by calling the Community Center.

Councilor DeGrandpre noted he spent some time last evening with the Elders' Bus Committee. They reviewed bids from several manufacturers and he believes they made a decision last night. The one they are interested in will serve them and the whole community well but they need a little more money to get the bus.

**FOURTH ORDER OF BUSINESS:** Information Exchange

Councilor Sachs advised that she has been serving as Freeport's representative on the Cumberland County Finance Committee. She has been made vice chair. She feels it will be very instructive next year to know why the Cumberland County number is what it is. Half of the charge we got is over the Civic Center and the jails. If anyone has any questions about the Cumberland County budget, she can report on it at some point. She mentioned that the Civic Center renovations are costing so much money.

Chair Hendricks advised that the numbers on the RSU Withdrawal Study were received today. Since the Council does not have another meeting scheduled on the books, he proposed that the Council have a special meeting on October 29. It very likely will be a very short agenda. If Chuck Lawton is not available, he will change the date and Mr. Joseph will let everybody know. The start time may be a bit later than our regular 6:30 start time.

Mr. Joseph noted that Chuck Lawton will be giving us the revised projection for Freeport alone and the before and after costs for the district. He expects the RSU and the Superintendent will provide the course offerings comparison tomorrow. He offered to get these three items to the Council tomorrow.

Councilor Egan suggested putting all this information on the Town's website, cable TV and the School's website.

**FIFTH ORDER OF BUSINESS:** Town Manager's Report

Mr. Joseph reported:

- Train Center Manager Ed Bonney has provided him with the following ridership numbers for the first 9 months of Amtrak Downeaster service to Freeport. These numbers represent the reconciled final counts from the Northern New England Passenger Rail Authority (NNEPRA)

|  |       |
|--|-------|
| Ridership Numbers – Freeport Station (FRE) |       |
| November '12                               | 1,724 |

**COUNCIL MEETING #22-13  
OCTOBER 15, 2013**

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|              |               |
|--------------|---------------|
| December '12 | 1,956         |
| January '13  | 861           |
| February '13 | 784           |
| March '13    | 850           |
| April '13    | 1,179         |
| May '13      | 2,007         |
| June '13     | 1,184         |
| July '13     | <u>1,434</u>  |
| <b>Total</b> | <b>11,979</b> |

Additionally, the Train Center staff track the number of inquiries received at the train center. Staff have handled the following number of Freeport-related and train-related inquiries over the same period:

**Information Requests**

|              |              |
|--------------|--------------|
| November     | 906          |
| December     | 549          |
| January      | 340          |
| February     | 276          |
| March        | 433          |
| April        | 566          |
| May          | 734          |
| June         | 676          |
| July         | <u>1,122</u> |
| <b>Total</b> | <b>5,602</b> |

- The Town has received approval of the DEP Site Location of Development permit that was submitted earlier this year for the Hunter Road Fields and Pownal Road Field sites. Keep in mind that this obligates the Town to construct the improvements contained in the application. A copy of the approval will be placed on the property file.
- The Town has received funding commitment from MDOT for improvements to the Wardtown Road under the MPI program. As expected, the State has agreed to fund \$500,000 of the total project. An estimated total project cost of \$1.0-\$1.3 million has been provided by Town Engineer Albert Presgraves. In order for Albert to provide a more accurate estimate for next year's capital budget cycle, a determination will need to be made by the Town Council whether the Town should place to reconstruct the road "as-is", or whether we should plan to widen the road and add additional shoulder space, which could improve the bicycle and pedestrian friendliness of the road.

Councilor Egan noted that the State is committing a half million dollars and doing the road would be one million. Adding shoulders could cost \$300,000. She is hoping the Active Living Task Force can look at this to determine the benefits and weigh them against the costs. Councilor Tracy suggested being proactive when opening up Wardtown Road and see if there is any opportunity to lay gas piping while it is open.

- Town Planner Donna Larson is working on co-developing a grant application with the Freeport Sewer District to provide funding for engineering studies of two pump stations in the flood zone adjacent to the Harraseeket River. The Town would serve as the applicant, while the Sewer District would provide the local funding match. There would be no cost to the Town, other than the staff time spent on grant application and administration. The benefit to the Town would be increased protection of the river's water quality. This grant application has also been endorsed by the Shellfish Commission.

**COUNCIL MEETING #22-13**  
**OCTOBER 15, 2013**

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Councilor Sachs pointed out that Ms. Larson should be thanked for the grant that provided for most of the Sandy Beach stairs to be replaced as well as the grant for the Elders' bus. She wrote such great grants for these projects. Councilor DeGrandpre suggested thanking Ms. Larson for her work in identifying routes to possibly get gas to some areas. Mr. Joseph noted that Ms. Larson is a proficient grant writer that keeps very busy.

- The Freeport Fire and Rescue Department estimates that over 350 individuals attended their open house educational event on Wednesday night, October 9<sup>th</sup>. A large number of families and children attended the event. Representatives from the Freeport Police Department as well as several local medical and fire safety agencies were also present at the event. Demonstrations included displays of fire/rescue apparatus, a "smoke trailer", a live demonstration of how to use a fire extinguisher to put out a stove fire, and an appearance by our police K9, Cassie. Cookout food was also available to purchase to benefit the Fire Explorers. Helmets off to the Fire/Rescue Department for putting on such a great event.

Councilor Sachs pointed out that Johanna Hanselman basically put on the Energy Workshop for the Town of Freeport and it really had an impact. Johanna is amazing. She also represented the Town of Freeport with Freeport Community Service's Sue Mack when they went to Yarmouth to a Social Services Summit on October 9. Freeport is a leading edge in using resources wisely. They both stood out in being able to talk about collaboration and using the resources Freeport puts together. Johanna is a great resource for the people of Freeport and Yarmouth.

Councilor Egan advised that Johanna also did all the organizing for the Volunteer Picnic held at Harb Cottage on Sunday. She publicly thanked her for her efforts.

**SIXTH ORDER OF BUSINESS:** Public Comment Period – (30 Minutes) (Non-Agenda Items Only)

**MOVED AND SECONDED:** To open the Public Comment Period. (DeGrandpre & Egan) **VOTE:** (7 Ayes)

On behalf of the Active Living Task Force, Anne-Marie Davee invited all Freeport residents to a public forum on November 14 at 6:30 p.m. at the Freeport Community Center. It will be facilitated by their consultant, Street Plans. They will be sharing some initial designs to enhance active living in our community. She would like to see Councilors and residents there. Refreshments will be provided. It should be an interactive and engaging evening. People can register on the Town's website by going to the Active Living Task Force page. She mentioned the Active Living Survey that is also available on the Town's website. Paper copies will be available at Town Hall, the Community Library and Freeport Community Services. Their goal is 800 surveys and they have 200 so far. Ms. Davee was encouraged to put a slide up on cable TV and on the school's website.

**MOVED AND SECONDED:** To close the Public Comment Period. (Sachs & Egan) **VOTE:** (7 Ayes)

**SEVENTH ORDER OF BUSINESS:** To take action on the following items of business as read by the Council Chairperson:

ITEM #187-13                      To consider action relative to adopting the October 15, 2013 Consent Agenda.

**BE IT ORDERED:** That the October 15, 2013 Consent Agenda be adopted.  
(Hendricks & DeGrandpre)

**COUNCIL MEETING #22-13**  
**OCTOBER 15, 2013**

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Chair Hendricks reviewed the items on the Consent Agenda for members of the public.

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Councilor Sachs had a question about the \$5,000 being requested for additional training. Her question was “why?” Mr. Joseph did not have an answer but offered to get an answer from the Fire Chief. Discussion followed. Since the money is coming out of donations, Councilor Tracy has no problem moving forward but would like the Fire Department to know that the Council will be paying attention to what is being spent. She noted that departments should be advised that when requests are made, the Council should be provided with an explanation.

**ROLL CALL VOTE:** (7 Ayes)

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ITEM #188-13                      To consider action relative to approving the draft Freeport Strategic Civic Engagement & Communications Plan.

**BE IT ORDERED:** That the draft Freeport Strategic Civic Engagement & Communications Plan as presented by the Communications Working Group be approved. (DeGrandpre & Egan)

Vice Chair Egan explained that the Town Council asked the Subcommittee to put together a plan for better engaging residents in Freeport in its decision making. She went through the highlights of the plan and while it has not been adopted, most of it has been executed. Councilor Sachs advised that she and Councilor Wellen have been on the committee for approximately three months so most of the work had already been done when they got there. She noted that Councilor Egan deserves a lot of credit. It is great to hear from residents that this Council has been more transparent and responsive but they would like to continue to hear feedback from people about ways the Council can continue to improve that.

Councilor DeGrandpre pointed out that this is the first time he has had an opportunity to look at the plan fully assembled and feels it is great work. He asked if the Council is being asked to approve it as a document or as a draft? The Council does not usually approve a draft. Mr. Joseph noted that the word “draft” could be eliminated. Striking it would not change the intent of the motion. There was general agreement to strike the word “draft”.

**ROLL CALL VOTE:** (7 Ayes)

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ITEM #189-13                      To consider action relative to approving a lease agreement between the Town of Freeport and Falls Point Marine, Inc. for the site located at 3 South Freeport Road, commonly known as the Dunning Boat Yard.

**BE IT ORDERED:** That the proposed lease agreement dated October 15, 2013 be approved. (Wellen & Sachs)

Mr. Joseph explained that this item has been in negotiation for the past several months. He suggested that it be tabled for two weeks to allow time to work out the final kinks in the contract.

**MOVED AND SECONDED:** That the Council table this item to its October 29<sup>th</sup> meeting. (DeGrandpre & Sachs) **VOTE:** (7 Ayes)

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**OTHER BUSINESS**

1. Disposition of used Fire Department cardiac monitors.

Mr. Joseph referred to his memo that was included in Councilors' packets stating that per the Town's "Disposition of Municipal Property Policy" he intends to sell five used 12-lead cardiac monitors that have just been replaced. It does not require any action from the Council but if the Council is not in favor of this action, he asked that he be notified. Deputy Chief Paul Conley has negotiated a resale price of \$5,000 per unit with the manufacturer. There has been some interest from the town of New Gloucester. He would like authorization to make this offer to any other town in Maine. These monitors are in perfect working condition and are still pretty much state of the art.

Councilor Tracy suggested that if the monitors go back to other towns, we make sure that our liability is tied up. It would be different if they were going back to the manufacturer.

2. Sewer District Memorandum of Understanding.

Mr. Joseph explained that the Town has been approached by the Sewer District which is an independent quasi governmental utility. It services a big portion of the town but not all of the town. The Sewer District has been having issues when building permits are issued, they have had to chase people down who are hooking up to sewer or adding bedrooms, there are fees that can be pretty substantial that are tacked on. The problem is coming when people are being issued building permits for enlargement of a structure, additional bedrooms or larger square footage for commercial space. The Town tells them that they must go and speak to the Sewer District. Sometimes people are negligent and don't know the rules or sometimes people are crafty and don't want to go there and spend money. The dots are not being connected and the Sewer District is not learning about people adding things they are supposed to pay fees for.

What Mr. Joseph is proposing to do here is work into our building permit process an agreement that will ensure the timely collection of sewer connection fees by requiring applicants of building permits to make an arrangement to pay the required connection fees before a building permit is issued. We are looking to do a three-month pilot project to help improve communications and give a benefit to the Sewer District.

Councilor DeGrandpre suggested reordering this to hold up an occupancy permit rather than a building permit. Mr. Joseph indicated that he is willing to go and talk to Sewer Board members about withholding an occupancy permit.

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**EXECUTIVE SESSION**

ITEM #190-13      To consider action relative to an Executive Session concerning a personnel matter (1 M.R.S.A. § 405(6)(A)).

**MOVED AND SECONDED:** That the Town Council enter Executive Session pursuant to 1 M.R.S.A. § 405(6)(A)) to discuss a personnel matter. (DeGrandpre & Egan) **VOTE:** (7 Ayes)

**MOVED AND SECONDED:** That the Town Council reconvene into Public Session. (DeGrandpre & Sachs) **VOTE:** (7 Ayes)

**MOVED AND SECONDED:** To adjourn at 9:50 p.m. (DeGrandpre & Sachs)  
**VOTE:** (7 Ayes)

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Respectfully submitted,

Sharon Coffin, Council Secretary

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #23-13**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**TUESDAY, OCTOBER 29, 2013 – 6:30 P.M.**

|   | <u><b>PRESENT</b></u> | <u><b>ABSENT</b></u> | <u><b>EXCUSED</b></u> |
|---|-----------------------|----------------------|-----------------------|
| Rich DeGrandpre, 11 Timber Ridge Road   | x                     |                      |                       |
| James Hendricks, 21 West Street         | x                     |                      |                       |
| Kristina Egan, 5 Weston Point Road      | x                     |                      |                       |
| Melanie Sachs, 84 Kelsey Ridge Road     | x                     |                      |                       |
| Andrew Wellen, 83 Hunter Road           | x                     |                      |                       |
| Scott Gleeson, 23 Park Street           | x                     |                      |                       |
| Sarah Tracy, 75 Lower Flying Point Road | x                     |                      |                       |

Chair Hendricks called the meeting to order at 6:37 p.m. and took the roll.

**FIRST ORDER OF BUSINESS:** Pledge of Allegiance

Everyone stood and recited the Pledge.

Chair Hendricks called for a 30 second moment of silence to honor Tom Bennett, Chair of the Shellfish Commission, a long-standing resident and committee meeting member.

**SECOND ORDER OF BUSINESS:** To waive the reading of the Minutes of Meeting #22-13 held on October 15, 2013 and to accept the Minutes as printed.

Councilor Tracy referred to page 6, under Disposition of used Fire Department cardiac monitors, she clarified that the sentence should read: Councilor Tracy suggested that if the monitors go back to other towns, we make sure that our protection from liability is tied up.

**MOVED AND SECONDED:** To waive the reading of the Minutes of Meeting #22-13 held on October 15, 2013 and to accept the Minutes as printed. (Egan & DeGrandpre)

**VOTE:** (7 Ayes)

**THIRD ORDER OF BUSINESS:** Announcements

Chair Hendricks announced:

- On November 5, 2013 the polls will be open from 7 a.m. to 8 p.m. in the Freeport High School Gymnasium for the State Referendum and Municipal Election. Absentee ballots are now available at the Freeport Town Clerk's Office. The deadline to request an absentee ballot is Thursday, October 31 at 6 p.m. The Clerk's office will be open on Wednesday, October 30 for extended hours until 8 p.m. for the purpose of absentee voting and voter registration. Sample ballots and information on absentee voting can be viewed on the Town's website at: [www.freeportmaine.com](http://www.freeportmaine.com) or by calling the Town Clerk's Office at 865-4743, Extension 123.
- Nominations are now being accepted for the 2013 Citizen of the Year Award. This award honors those who have contributed substantively to the quality of the Town and the well-being of the citizens. Deadline for nominations for the 2013 Citizen of the Year is December 5. Nomination forms are available at the Town Office and on the Town's website.

**COUNCIL MEETING #23-13**  
**October 29, 2013**

Regarding Hunter Road Fields, Councilor DeGrandpre announced that they will be wrapping up the season very shortly and the Fields Committee will be meeting within the next three weeks. They will be discussing the condition of the fields, how to keep them in good condition, the events – what worked and what didn't and whether notification was done well or poorly. The Town Engineer is working on plans to put the fields to bed and open them in the spring.

Councilor Sachs announced she would have office hour on November 4 from 8-9 a.m. at Bow Street Market. If anyone needs to contact her, her contact information is on the Town's website.

Councilor Egan announced that the Active Living Summit will take place on November 14 at the Freeport Community Center. They are hoping to get input from many residents.

Councilor Egan plans to have office hours on November 5 from 8:15 to 10 a.m. at Bow Street Market.

Councilor Tracy will not be holding her regular office hours this Friday. She noted that her contact information is on the web.

Councilor DeGrandpre announced that reconstruction on Beech Hill Road will be going on. He encouraged folks with thoughts or ideas to please share them.

Chair Hendricks announced that on Tuesday, November 12 all Freeport residents are invited to enjoy a film at the Nordica Theatre for free. The proceeds from donations will benefit the American Legion. Tickets are limited to seating capacity and there will be no rain checks.

**FOURTH ORDER OF BUSINESS:** Information Exchange

Councilor DeGrandpre noted that the Ordinance Committee met tonight with representatives from the Sewer District. They will be meeting again to consider some recommendations from the Town Manager and the Town Engineer on the Road Opening Ordinance. He noted he will bring another Sewer District topic up under Other Business.

**FIFTH ORDER OF BUSINESS:** Town Manager's Report

Mr. Joseph reported:

- The next Council meeting is scheduled for November 12 and it will be the organizational meeting.
- He spoke with Councilor Tracy about the cardiac monitors and addressed her concerns. All five of them went back to the dealer and the dealer sold one at cost to New Gloucester.
- There will be a special train added at 10:35 p.m. and 2:05 a.m. on Thanksgiving weekend. This weekend they saw 596 riders use the train taking advantage of a \$5 fare. He hopes to see huge numbers on Thanksgiving weekend.

**SIXTH ORDER OF BUSINESS:** Public Comment Period – (30 Minutes) (Non-Agenda Items Only)

**MOVED AND SECONDED:** To open the Public Comment Period. (DeGrandpre & Tracy) **VOTE:** (7 Ayes)



**COUNCIL MEETING #23-13**  
**October 29, 2013**

John Lowe from Ledgewood Lane thanked whoever is responsible for putting some skinny mix on Route 125. He suggested putting pressure on Sara Gideon and Stan Gerzofsky to get a bill through the Legislature to get Route 125 fixed. He also mentioned that the Town Engineer did an excellent job on

Sandy Beach. Mr. Lowe noted that hunting season starts in earnest this Saturday. He suggested putting something on the website warning folks about the hunting that takes place at Hedgehog Mountain as well as Florida Lake. People should be wearing blaze orange.

Chair Hendricks explained that Freeport has been awarded \$500,000 to fix Route 125.

Melanie Sachs of 84 Kelsey Ridge Road pointed out that Scouting for Food is coming up this November. Scouts will be providing a bag for residents to fill on November 16 and they then will return on the 24<sup>th</sup> to pick up the bags. The food that residents donate goes right back to the community. She noted that the demand for food is high. If anyone has questions, they can call her at 865-3985.

**MOVED AND SECONDED:** To take an item up out of order from Other Business. (Egan & Tracy) **VOTE:** (7 Ayes)

**FEDC Quarterly Update.**

Keith McBride, FEDC Executive Director, explained that this is his first report and it is sort of a test run to see how the format goes. He plans to be back in December. Some of his plans include implementing a business visitation program, meeting with realtors that have businesses in Freeport as well as implementing enhancements to get shopper traffic off of Main Street.

Councilor Wellen asked if Minutes from Mr. McBride's meetings are available. Mr. McBride feels this is a good suggestion. Councilor Sachs asked when the first quarter starts and Mr. McBride indicated that it starts in January. Councilor Egan noted that she likes to review these economic indicators and also likes the activities that are included in Vision 2025. Councilor Tracy would be interested in a short description of why a business would leave Freeport.

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**SEVENTH ORDER OF BUSINESS:** To take action on the following items of business as read by the Council Chairperson:

ITEM #191-13                      To receive RSU#5 Withdrawal Petitions from the Town Clerk and to set the date and time for a Special Election.

**BE IT ORDERED:** That the Town Council hereby receives RSU#5 Withdrawal Petitions from the Town Clerk.

**BE IT FURTHER ORDERED:** That the Town Council hereby sets the date and time for a special election to vote on whether or not to officially begin the withdrawal process. The Special Election shall be held on Tuesday, December 17, 2013 from 7:00 a.m. to 8:00 p.m. in the Council Chambers at Town Hall.

**BE IT FURTHER ORDERED:** That a Public Hearing be scheduled for December 3, 2013 at 6:30 pm in the Council Chambers at the Freeport Town Hall to discuss the RSU#5 withdrawal article on the December 17, 2013 ballot; and that copies be distributed equally between the Town Clerk's Office, the Town Manager's Office and the Freeport Community Library for inspection by citizens

during normal business hours and the notice be placed on Freeport's local cable channel 3 and the Town's website.

**BE IT FURTHER ORDERED:** That the Municipal Election Warrant as amended for the December 17, 2013 Special Municipal Election be signed.

**BE IT FURTHER ORDERED:** That the Town Clerk & Registrar of Voters office be open during normal business hours the week prior to the December 17, 2013 Special Municipal Election for the purposes of voter registration and absentee voting.

**BE IT FURTHER ORDERED:** That Tracey Stevens be appointed as Warden and Rick Simard be appointed as Deputy Warden for the December 17, 2013 Special Municipal Election. (Egan & DeGrandpre)

Town Clerk Tracy Stevens explained that she received a total of 26 RSU Withdrawal Petitions between October 16 and October 24, 2013 and as per State Law, ten percent of the number of voters who voted in the last gubernatorial election must sign the petition to withdraw from the RSU and that number in Freeport is 416. The petitions contained a total of 488 signatures and she determined that 449 signatures appear to be authentic. Signatures of registered voters of the Town of Freeport. Based on those facts, she determined that the petitions are sufficient to proceed to a special referendum election so voters can vote on whether or not to begin the withdrawal process. The petitions will be filed in Ms. Stevens' office as a public record if anyone would like to review them. She explained why December 17 was chosen as the day to hold the special election.

Jerry Antl of Bailey Farm Road noted he circulated a petition and he thanked the Council for its efforts in maintaining transparency in the whole process. He requested that the special election be held on December 10 because it still falls within the 60 day period required by law and it is his opinion that a lot of residents may be traveling on December 17 because of the holidays.

Ms. Stevens explained the reason the election cannot be held on December 10 is that State Law gives voters an opportunity to vote by absentee ballot by a total of 30 days. There would not be enough time.

Joe Migliaccio of South Freeport thanked the Council for the suggestion to save \$1,500. He asked why the wording on the referendum state that we are authorizing the committee to spend \$50,000 on legal fees. Chair Hendricks explained that the amount was an estimation received from the Town Attorney for legal fees. He asked if the wording could be changed to "expend up to \$50,000?" Ms. Tracy explained that the article to be voted upon must be in substantially the following form: (the wording is exactly as shown in Freeport's warrant except for a blank line under the number that was replaced.)

Councilor Tracy had questions about the amount. In reviewing consultants, she received higher figures and wonders if Freeport should check around with other towns that have gone through this process. Mr. Joseph suspects the amount is a guess. The Town of Wiscasset spent \$55,000 and West Bath is considering \$10,000-\$20,000 but they haven't set that number yet. It depends on what you allow the committee to spend in reality. He learned from the town Attorney that most of Wiscasset's fees were for consultant fees and not legal fees. It varies from case to case.

Councilor Wellen asked if the Council could authorize additional money later. Mr. Joseph did not see any reason why it could not but we are committing \$50,000 here. Mr. Migliaccio pointed out that the word "substantially" should give the Council the room but he would prefer to be frugal about it and say "not to exceed \$50,000."

**COUNCIL MEETING #23-13**  
**October 29, 2013**

Ms. Stevens pointed out that the Council is going to sign the warrant tonight. If any changes are made, she will prepare new warrants.

Chair Hendricks explained that the Council was requested to take part in the Citizen's Committee process as either endorsing a citizens committee or becoming part of a citizens committee. He learned from the Department of Education that the Council was told not to take part or endorse any committee until it was

directed to by them. After the vote on the 17<sup>th</sup> if there is a positive vote to withdraw, the Department of Education would notify the Council and then it would form a four person committee which would be a committee member, a member of the petitioning committee, a member of the Town Council and a RSU 5 Board member. Throughout this entire process, the Council has been very forth coming in trying to collect the information as part of this process. That part will not stop just because the Council cannot be part of a citizen-led committee but it will be up to the citizens to lead a committee if they want to determine more information other than what we have been getting so far.

**MOVED AND SECONDED:** To amend the language in **BE IT FURTHER ORDERED:** That the Municipal Election Warrant **as amended** for the December 17, 2013 Special Municipal Election be signed.

The amendment will state that the referendum question to be voted on would be: Do you favor filing a petition for withdrawal with the Board of Directors of RSU #5 and with the Commissioner of Education authorizing the Withdrawal Committee to expend an amount **not to exceed** \$50,000. (Tracy & Sachs)

**ROLL CALL VOTE:** (7 Ayes)

**ROLL CALL VOTE ON ITEM #191-13 AS AMENDED:** (7 Ayes)

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**OTHER BUSINESS**

1. Update to RSU#5 Withdrawal Study

Chuck Lawton from Planning Decisions explained that they were engaged as part of a team to conduct the report before the Council. At the last meeting there was a request that they dig into the report as originally presented. This report is in effect an amendment to the first report representing the results of further investigation. He explained the summary of what they did which was included on pages 22-25 of the Project Report. He explained that the cost the town pays for education would rise from \$14.3M now to \$15.9M should it decide to stand alone.

Councilor Tracy thanked Mr. Lawton for going back and rerunning the numbers.

Jerry Antl identified some additional savings that he would like the Council to consider prior to the public hearing. Prior to the formation of the RSU the Finance Administration was centralized in the Town Hall. This could potentially be done again if the RSU is disbanded. Payroll services were shared and also done in Town Hall. Public Works and Grounds Keeping was centralized and also done for the schools. Also there were debt payments made prior to the RSU formation such as \$324,000 on Mast Landing which have been retired. He would like these items addressed prior to the public hearing. Chair Hendricks did not see any reason why the answers could not be provided before the public hearing. Mr. Antl feels the tuitioning and students were conservative and the numbers may be higher. Mr. Antl did not feel another

study is necessary but there are concerns about the additional savings that Abbe Yacoben could take a look at and make sure that the current projections are accurate.

Councilor Sachs requested that Mr. Lawton give Ms. Yacoben his thoughts in an E-mail on the questions that may need more research which could be made public. Mr. Lawton pointed out that this is the challenge that Freeport is facing on the revenue and expense side of taking on an enterprise. In responding to the list of items, he would not want to imply that there aren't other considerations that maybe worth taking into account.

John Lowe pointed out on Table 8 that Freeport's share of students is 1,200. He wants to be prudent with Freeport's dollars. When we have the public hearing, Mr. Lowe requested that someone from the Department of Education be in attendance.

Michelle Richardson, Durham resident explained that Durham has experience with the withdrawal process. She mentioned the \$600,000 figure estimated for tuitioning and cautioned the assumption that all of the Durham and Pownal kids would be tuitioning back to Freeport. There is a State requirement that a town cover every student for a 10-year period. It does not seem likely that students in Durham would have two or three choices for schooling but it could be possible. She answered questions for Councilors.

Beth Parker, RSU #5 Board member and private citizen noted that before the RSU, the school had its own Finance Director and payroll was done at the Town Hall. The RSU takes care of its own fields. She mentioned that the high school needs renovations.

Charley Haverstat thanked Ms. Yacoben for help in coming up with additional data.

Joe Migliaccio noted that it was nice to have Ms. Richardson's comments. He was involved in the cost-sharing formula. Freeport's property values have dropped. We lost about \$190M in value since 2009. He feels Freeport should be receiving more money from the State for school assistance. When we open the funding formula, he feels we need to look at a better model. He feels Freeport's taxpayers should wake up and ask why we are paying more at all when we do not get significant dollars from the State.

More discussion followed. Councilor DeGrandpre pointed out that before we consolidated, we were a minimum receiver. The State funds education more in Pownal and Durham than they do in Freeport. He encouraged the Council to engage with folks in Durham and Pownal to get an idea what they are thinking. We need to remember that we are all neighbors. Councilor Wellen noted this is a ballpark study. There are different ways to save money in a small community by having one person wear two hats.

Councilor Tracy recognizes that this is imperfect at best and there are just too many variables to pin it down. Through this second phase we have arrived at a number which is a ballpark where people at least are generally accepting it. As a Council, we should help people to understand what the average resident would pay in their tax bill. It is an Abbe thing.

Councilor Sachs feels it is an excellent starting point but wouldn't want people latching on to that number and making a decision based on it. Chair Hendricks agreed that it would be an estimated number. Ms. Yacoben offered to figure it out and make it easier for residents to understand.

10 Minute Break was taken.

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**MOVED AND SECONDED:** To take up an item tabled from our previous meeting.  
(DeGrandpre & Gleeson) **VOTE:** (7 Ayes)

Sewer District Memorandum of Understanding

Councilor explained that he is concerned that they want to make the notification process with the Sewer District mandatory with a Building Permit application before the application is complete. He feels it is putting too many costs on an applicant for a building permit before they have started construction. At this point the memorandum says the Sewer District has notified the Town and they have a copy of the Building Permit so they know there is going to be a public plumbing need. They won't be held up in getting a building permit by having to pay for that connection fee. This is a three-month trial program and it will be monitored.

Mr. Joseph explained that this does not require any formal action by the Town. It is an administrative procedure that will be put in place in front of the building permit process. This will formalize the fact that the applicant has talked with the Sewer District and the Sewer District is aware that they will be hooking up or adding capacity. It is an extra administrative step.

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#### EXECUTIVE SESSION

ITEM #192-13      To consider action relative to an Executive Session concerning a personnel matter for the annual review of the Town Manager. (1 M.R.S.A. § 405(6)(A)).

**MOVED AND SECONDED:** That the Town Council enter Executive Session pursuant to 1 M.R.S.A. § 405(6)(A)) to discuss a personnel matter for the annual review of the Town Manager. (DeGrandpre & Egan) **VOTE:** (7 Ayes)

**MOVED AND SECONDED:** That the Town Council reconvene into Public Session. (DeGrandpre & Sachs) **VOTE:** (7 Ayes)

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**MOVED AND SECONDED:** To adjourn (DeGrandpre & Egan) **VOTE:** (7 Ayes)

Respectfully submitted,

Sharon Coffin, Council Secretary

**MINUTES**  
**FREEPORT TOWN COUNCIL ORGANIZATIONAL MEETING #24-13**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**TUESDAY, NOVEMBER 12, 2013 – 6:30 P.M.**

|   | <u><b>PRESENT</b></u> | <u><b>ABSENT</b></u> | <u><b>EXCUSED</b></u> |
|---|-----------------------|----------------------|-----------------------|
| Rich DeGrandpre, 11 Timber Ridge Road   | x                     |                      |                       |
| James Hendricks, 21 West Street         | x                     |                      |                       |
| Kristina Egan, 5 Weston Point Road      | x                     |                      |                       |
| Melanie Sachs, 84 Kelsey Ridge Road     | x                     |                      |                       |
| Andrew Wellen, 83 Hunter Road           | x                     |                      |                       |
| Scott Gleeson, 23 Park Street           | x                     |                      |                       |
| Sarah Tracy, 75 Lower Flying Point Road | x                     |                      |                       |

Chair Hendricks welcomed everyone and called the meeting to order at 6:31 p.m. He took the roll.

**FIRST ORDER OF BUSINESS:** Pledge of Allegiance

Everyone stood and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the Minutes of Meeting #23-13 held on October 29, 2013 and to accept the Minutes as printed.

Councilor Sachs referred to page 3 under Announcements and pointed out that the Scouts will be returning to households to pick up the food bags on November 23 not November 24.

**MOVED AND SECONDED:** To waive the reading of the Minutes of Meeting #23-13 held on October 29, 2013 and to accept the Minutes as amended. (Egan & DeGrandpre)  
**VOTE:** (7 Ayes)

**THIRD ORDER OF BUSINESS:** That the Town Clerk report on the returns of the November 5, 2013 Election.

**MOVED AND SECONDED:** That the Town Clerk's report be accepted. (Egan & Sachs)

Town Clerk Tracey Stevens reported that:

- The total number of registered voters at poll opening time—6,412
- Number of people who registered to vote on Election Day and/or changed name or address—66
- Total number of ballots cast—2,693
- Percentage of voters who cast ballots—42%
- Number of Absentee Ballots requested—353
- Number of Absentee Ballots cast—331
- Number of Absentee Ballots never returned to us —22
- We didn't have any poll watchers or petitioners during this election but we did have several groups conducting outreach efforts and selling items in the hallway for voters and election workers
- Overall, everything ran smoothly all day and the complaints were very minimal. The longest line we had occurred at poll opening time, but no one had to wait more than five minutes to vote. The new machines worked very well for us, but there is a delay of approximately seven seconds when inserting a ballot, which means around a fourteen second delay per voter, or longer if there are errors detected on a ballot for the voter to resolve. Although we can't change the timing of the machines, we are already working on things that we think may improve the process.
- The highlight of our day was when Secretary of State Matthew Dunlap stopped by to observe our election processes and meet the election staff. He gave us very high praise on our polling place setup and efficiencies, which made all of our hard work worth the extra effort!

The following are State, Municipal and RSU results for the Town of Freeport:

**STATE REFERENDUM — TOTAL BALLOTS CAST: 2,693**

Referendum Question 1—Maine Army Nat'l Guard Bond, Yes-1,405, No-1,217, Blank-71

Referendum Question 2, University of Maine Bond, Yes-1,702, No-954, Blank-37

Referendum Question 3, Transportation Bond, Yes-1,956, No-697, Blank-40

Referendum Question 4, Maine Maritime Academy Bond, Yes-1,489, No-1,146, Blank-58

Referendum Question 5, Maine Community College Bond, Yes-1,789, No-880, Blank-24

**MUNICIPAL CANDIDATES**

**Vote For One:**

|                    |                  |       |
|--------------------|------------------|-------|
| Councilor At Large | Hendricks, James | 2,145 |
| Councilor At Large | Write-ins        | 48    |
| Councilor At Large | Blanks           | 500   |

**Vote For One:**

|                      |                   |     |
|----------------------|-------------------|-----|
| Councilor District 1 | Gleeson, David S. | 439 |
| Councilor District 1 | Write-ins         | 13  |
| Councilor District 1 | Blanks            | 124 |

**Vote for Two:**

|                          |                      |       |
|--------------------------|----------------------|-------|
| RSU 5 Board of Directors | Murray, Peter        | 1,825 |
| RSU 5 Board of Directors | Steverlynck, Valeria | 1,774 |
| RSU 5 Board of Directors | Write-ins            | 59    |
| RSU 5 Board of Directors | Blanks               | 1,728 |

**Vote for One:**

|                        |                |     |
|------------------------|----------------|-----|
| Water District Trustee | Ashby, Michael | 994 |
| Water District Trustee | Karp, John     | 538 |
| Water District Trustee | Write-ins      | 18  |
| Water District Trustee | Blanks         | 624 |

**RSU REFERENDUM**

Referendum Question 1— FHS Construction Bond, Yes-1,639, No-1,029, Blank-15

Referendum Question 2— Synthetic Athletic Field Bond, Yes-1,340, No-1,322, Blank-21

Councilor DeGrandpre noted he observed the handling of ballots and he feels it would be helpful if people understood why their ballots were sometimes rejected. He suggested that a sign be displayed saying “if your ballot is rejected, it is because it is incomplete. If you are happy with it, simply reinsert it.”

Ms. Stevens pointed out that more educating will be done in the future. She explained that we used the new State-wide mandated voting machine that every Municipality that has a machine count, has to use. It was not something the Town chose to use. She plans to work closely with the State to see what can be done to improve it.

**VOTE:** (7 Ayes)

**SWEARING IN OF NEW COUNCILORS BY THE TOWN CLERK:**

Town Clerk, Tracey Stevens swore in D. Scott Gleeson of 23 Park Street and James Hendricks of 21 West Street as newly elected Councilors.

**ROLL CALL OF NEW MEMBERS:**

|   | <b><u>PRESENT</u></b> |
|---|-----------------------|
| Rich DeGrandpre, 11 Timber Ridge Road   | x                     |
| Kristina Egan, 5 Weston Point Road      | x                     |
| Scott Gleeson, 23 Park Street           | x                     |
| James Hendricks, 21 West Street         | x                     |
| Melanie Sachs, 84 Kelsey Ridge Road     | x                     |
| Sarah Tracy, 75 Lower Flying Point Road | x                     |
| Andrew Wellen, 83 Hunter Road           | x                     |

**FOURTH ORDER OF BUSINESS:** To take action on the following items of business as read by the Council Chairperson:

ITEM #193-13      To consider action relative to the electing of a Chairperson and a Vice-Chairperson for the Town Council.

**MOVED AND SECONDED:** That the nominations for the position of Council Chairperson be opened. (Wellen & Egan) **VOTE:** (7 Ayes)

**MOVED AND SECONDED:** That Jimmy Hendricks be nominated for the position of Chair of the next Council. (Egan & Sachs) **VOTE:** (7 Ayes)

**MOVED AND SECONDED:** That the nominations for the position of Council Chairperson be closed. (DeGrandpre & Egan) **VOTE:** (7 Ayes)

**BE IT ORDERED:** That Jimmy Hendricks be elected Chairperson of the Town Council. (Egan & DeGrandpre) **ROLL CALL VOTE:** (7 Ayes)

**MOVED AND SECONDED:** That the nominations for the position of Council Vice-Chairperson be opened. (Tracy & Gleeson) **VOTE:** (7 Ayes)

**MOVED AND SECONDED:** That Kristina Egan be nominated for the position of Vice Chairperson (Gleeson & DeGrandpre) **VOTE:** (7 Ayes)

**MOVED AND SECONDED:** That the nominations for the position of Council Vice-Chairperson be closed. (Tracy & DeGrandpre) **VOTE:** (7 Ayes)

**BE IT ORDERED:** That Kristina Egan be elected Vice-Chairperson of the Town Council. (Sachs & DeGrandpre) **ROLL CALL VOTE:** (7 Ayes)

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## Announcements

Chair Hendricks announced:

- On December 17, 2013 the polls will be open from 7 a.m to 8 p.m. here in Town Hall's Council Chambers for a special election on whether or not to start the RSU withdrawal process. Absentee ballots will be available beginning Monday, November 18 at the Town Clerk's office.
- The Active Living Task Force will be holding a public forum on November 14 beginning at 6:30 p.m. at the Freeport Community Center. Light refreshments will be served. Please RSVP to [www.Activeliving@freeportmaine.com](mailto:www.Activeliving@freeportmaine.com) or respond to their Face Book invitation. The Task Force has created a survey to help guide them in creating recommendations for goals and policies. Residents can go to the Task Force's page on the Town's website to complete the survey.
- Nominations are now being accepted for the 2013 Citizen of the Year Award. This award honors those who have contributed substantively to the quality of the Town and the well-being of the citizens. The deadline for nominations is December 5. Nomination forms are available at the Town Office and on the Town's website.
- It may not be too late to enjoy today's Freeport Day at the Nordica Theatre. All Freeport residents can enjoy a movie at the Nordica for free. All proceeds will benefit the American Legion. Tickets are limited to the seating capacity and there will not be any rain checks provided.

Councilor DeGrandpre announced that the Hunter Road Fields Committee has scheduled a meeting on November 20 at 7:30 a.m. in the Council Chambers.

## Public Comment:

Sally Walsh, Freeport native, provided a letter for the Council to read and consider concerning an issue that overlaps the Active Living Task Force and the independent transportation network subject that will be addressed next month. Kristina Egan, Sara Gideon and she started this conversation about increasing access to the Town for those of limited mobility. She noted that the population this addresses is huge so she feels it would be a big economic boost for the town to address this issue. She broke her leg and experienced the town's limitation to people that want to use it for any number of reasons. She came up with a goal and some solutions and things to consider. She is recommending that the Council review this and then possibly come up with another type of Task Force to address these issues and perhaps come up with a plan of action for 2014. She mentioned that this letter was sent to the Town Manager and the Planning Board.

**MOVED AND SECONDED:** To adjourn at 6:45 p.m. (Egan & DeGrandpre)  
**VOTE:** (7 Ayes)

Respectfully submitted,

Sharon Coffin, Council Secretary

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #25-13**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**TUESDAY, DECEMBER 3, 2013 – 6:30 P.M.**

|   | <u><b>PRESENT</b></u> | <u><b>ABSENT</b></u> | <u><b>EXCUSED</b></u> |
|---|-----------------------|----------------------|-----------------------|
| Rich DeGrandpre, 11 Timber Ridge Road   | x                     |                      |                       |
| James Hendricks, 21 West Street         | x                     |                      |                       |
| Kristina Egan, 5 Weston Point Road      | x                     |                      |                       |
| Melanie Sachs, 84 Kelsey Ridge Road     | x                     |                      |                       |
| Andrew Wellen, 83 Hunter Road           | x                     |                      |                       |
| Scott Gleeson, 23 Park Street           | x                     |                      |                       |
| Sarah Tracy, 75 Lower Flying Point Road | x                     |                      |                       |

Chair Hendricks welcomed everyone and called the meeting to order at 6:31 p.m.

**FIRST ORDER OF BUSINESS:** Pledge of Allegiance

Everyone stood and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the Minutes of Meeting #24-13 held on November 12, 2013 and to accept the Minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the Minutes of Meeting #24-13 held on November 12, 2013 and to accept the Minutes as printed. (Egan & Sachs)

**VOTE:** (7 Ayes)

Chair Hendricks took the roll of Councilors.

**THIRD ORDER OF BUSINESS:** Announcements

Chair Hendricks announced that a Special Election on whether or not to begin the RSU withdrawal process will be held on December 17, 2013 from 7 a.m.-8 p.m. at Freeport Town Hall in the Council Chambers. Absentee Ballots are now available through the Town Clerk's office. The deadline to request an absentee ballot is December 12, 2013 at 6 p.m. For more information on absentee voting, residents are encouraged to contact the Town Clerk's office.

The Concord Gully Public Forum will be held on December 10, 2013 at 6 p.m. in the Freeport Town Hall's Council Chambers. The Cumberland Soil and Water Conservation District will be presenting the progress on the Concord Gully Watershed based Management Plan in a public forum. All interested parties are welcome to provide feedback on the proposed restoration activities within the watershed. For more information, please visit [www.cumberlandcountymd.org](http://www.cumberlandcountymd.org). Or call 892-4700.

Here are some dates to mark for the Community Library:

- A Holiday Tea will be held on December 6 from 1-2 p.m.
- A Birds of Prey program will be held on Wednesday, December 4 at 6 p.m.
- Remember that December is Food for Fines month. The Library encourages patrons to donate cans or non-perishable food items in payment of overdue fees. When you present your donation, the Library will eliminate one dollar in overdue fees for each item you present. All donations will go to the FCS Food Pantry.

Recreational Shellfish Licenses are now available to non-residents. Applications for Recreational Shellfish Licenses are open to non-residents and are available for purchase at the Freeport Town Clerk's office during regular business hours. Licenses will be sold on a First Come, First Serve Basis.

**COUNCIL MEETING #24-13**  
**December 3, 2013**

The Wreaths Across America Convoy will be traveling to Freeport on Sunday, December 8 on its way to Arlington National Cemetery. The convoy will be making a stop at the 9/11 Memorial in Freeport at approximately 5 p.m.

The Cumberland County Board of Commissioners is accepting applications for four Civic Center Trustee positions for terms beginning January 1, 2014. The Commissioners will make appointments in December. Freeport citizens are eligible to apply for an At Large position which is a three-year term. Applications may be obtained at the Cumberland County Executive Office at 142 Federal Street, Room 102, Portland, Maine or by calling 871-8380. The deadline for applications is December 6.

The Freeport Players will present the WFCP Home Time Radio Hour, 2013 on Friday and Saturday nights at 7:30 p.m. and on Sunday at 2 p.m. at the Freeport Performing Arts Center. Tickets can be purchased in advance for \$10 or \$15 at the door.

**FOURTH ORDER OF BUSINESS:** Information Exchange

Councilor Sachs pointed out that the Train Safety Committee meets tomorrow at 6:30 p.m. at Town Hall. The committee members went out and surveyed all eight crossings with the matrix so they will be discussing several safety options for each crossing.

Councilor Sachs noted there were some questions from Councilors a few meetings ago regarding the Cumberland County Budget Committee that she sits on. She is presently Vice Chair of the Cumberland County Finance Committee and has no difficulty asking them why certain things are. Councilor Tracy asked why there is a Cumberland County allocation for a tax increase on Freeport's tax bills. Councilor Sachs noted that on Freeport's tax bills Cumberland County is 4.28%. 2.43% is the Civic Center impact which makes it notable that there is a vacancy right now. She encouraged residents to go and apply and explained that there is no oversight on that particular line item by the Board of Trustees. Right now there is a deficit budget because the Civic Center is closed for renovations. Cumberland County has the ability to bond. She is looking forward to next year since she has two more years on her term. She would be happy to provide details to anyone interested.

Councilor Egan advised that there was a very successful Active Living Forum in mid-November where approximately 50 Freeport residents gathered around a set of maps and discussed how to make it easier and safer and fun to bike, walk your dog, skate, ski and kayak in Freeport. She invited anyone interested to attend the next Active Living Task Force meeting on Thursday, December 12 at 7:30 a.m. in Town Hall. They will be discussing many of the recommendations that came out of the resident tables and packaging them into a Draft Active Living Plan.

Councilor Egan noted that the Council is looking for Citizen of the Year for Freeport. If anyone knows someone they think deserves this honor, please submit an application.

Councilor Tracy advised that she attended a Freeport Economic Development Corporation meeting on November 20 as the Council Liaison. They are currently establishing guidelines for appointing members to their Board and she will be participating in that process. She is looking for feedback. FEDC will be taking applications from those interested in serving on the Board on an ongoing basis. Anyone interested can talk to the Director. Their next meeting will take place on January 28, 2014.

Councilor Tracy advised that she has regular office hours on the first Friday of each month from 7:30 a.m.-8:30 a.m. at Bow Street Market. She is always happy to stay a little longer if residents of District 2 want to talk.

**COUNCIL MEETING #24-13**  
**December 3, 2013**

Councilor Egan mentioned that an ITN America which is a non-profit that provides elders with rides was scheduled for a presentation but because we anticipated a lengthy public hearing tonight, we postponed it to sometime in January. A few people have come forward and pointed out that Freeport could be more accessible for people with disabilities or have mobility challenges and will be considering ways that some of our town agencies may be able to support providing rides to people having difficulty getting around.

**FIFTH ORDER OF BUSINESS:** Town Manager's Report

For the week ending 11-29-13 Mr. Joseph reported:

**Holiday Recycling at the Transfer Station**

Holiday Schedule

The Transfer Station will be open regular hours on all other days except these:  
December 25, Christmas—Closed

Is it Recyclable?

**YES**—Gift wrap (not foil), Gift Bags, Tissue paper, Greeting cards, Corrugated Cardboard, Strings of Lights, 1-7 Plastic and Glass

**NO**—Foil Gift Wrap, Ribbon, Bows, Tinsel, Packing peanuts, Ceramic Dishes, Styrofoam

Recycling Electronic Equipment

If you received a new TV or computer as a gift, you are welcome to bring your old ones to the Transfer Station. These items are NOT permissible in the Swap Shop, however, even if they still function. Fees are as follows: TV (any size)/Computer Monitors—\$6.00, Computer Tower/Laptop—\$5.00, Keyboard—\$1.00

After the holidays:

It's common for new gifts to replace items that still have a useful life. These unwanted items can be donated to a charity such as Freeport Community Services, Salvation Army, Goodwill or they can be dropped off at the Transfer Station Swap Shop.

**Election News**

The special election on whether or not to begin the RSU Withdrawal process will be held on Tuesday, December 17 from 7 a.m.-8 p.m. in the Council Chambers at Town Hall. Absentee voting is now underway. The deadline to request an absentee ballot is Thursday, December 12, 2013 at 6 p.m. Voters wishing to vote by absentee ballot may vote in person at the Town Clerk's office. Call the Town Clerk to request a ballot be mailed to you, it can be picked up at the Town Clerk's office by an immediate family member or a third person. Third person ballots must be witnessed by two additional people. For more information, please call the Town Clerk's office at 865-4743, Extension 123.

**December 17, 2013 Council Meeting**

The next District 4 Council Meeting is scheduled on December 17, 2013 and it will be held at the Hunter Road Field House. There will be full-sized chairs set up and the heat will be on! The Council will workshop with District 4 from 6:30-7:30 p.m. The regular Council meeting will begin at 7:30 p.m.

**Portland Area Comprehensive Transportation System (PACTS)**

PACTS is developing a long-range regional transportation plan. Would you like to see safer bicycling? More bus routes: Better sidewalks: PACTS would like to have the public join them on December 5 from 5-7 p.m. at the Yarmouth Town Hall to hear your thoughts on how YOU would change our regional transportation system. For more information, call Carl Eppich, Senior Transportation Planner at PACTS (774-9891). One can read the current PACTS Plan at [www.pactsplan.org](http://www.pactsplan.org).

**Freeport K-9 Program Update:**

The Freeport Police Department is pleased to announce that the K-9 team of Officer Matthew Moorhouse and K-9 Cassie passed their patrol certification trials on Monday, November 18, 2013. As a result, the team is certified for the following tasks: tracking, evidence and article recovery, building searches and criminal apprehension. Cassie has been riding in a training capacity with Officer Moorhouse since June, but now she is ready for “paws on the ground”. Officer Moorhouse and Cassie will be primarily working the night shift. There will be opportunities for them to meet with the public at special events and for K-9 demonstrations as time allows. Please join us in congratulating Freeport's first K-9 team!

Lt. Nourse introduced Officer Moorhouse and Canine Cassie were introduced to the public. Lt. Nourse had a special badge for the official Badge Pinning Ceremony.

**Winter Public Works Department Hours**

As of last week, the Public Works Department has switched to its “winter schedule”. Hours are Monday through Thursday—6 a.m.-3:30 p.m. and Friday—6 a.m.-10 a.m.

Councilor DeGrandpre reminded folks that on-street overnight parking is prohibited during the winter months.

**SIXTH ORDER OF BUSINESS:** Public Comment Period – (30 Minutes) (Non-Agenda Items Only)

**MOVED AND SECONDED:** To open the Public Comment Period for Non-Agenda Items Only. (DeGrandpre & Egan) **VOTE:** (7 Ayes)

Doug Leland of Cushing Briggs Road pointed out that two months ago at the Council Meeting in South Freeport, there were comments made that cyclists and cars were not stopping at the four corner intersection in South Freeport which led to a discussion about general safety on the roads. He is here tonight to introduce a new procedure that was implemented today in Town Hall designed to improve road safety in Freeport for motorists, cyclists and pedestrians. Cards will be handed out to every resident that comes into Town Hall to register their cars or pay their excise tax. On one side of the card, it is for motorists and outlines what a motorist can expect from pedestrians and cyclists who are following the rules of the road for sharing the road. On the other side of the card, it is for pedestrians and cyclists and outlines what they can expect from motorists who are following the rules of the road for sharing the road. He is hoping these cards will raise awareness of what the basic rules are for everyone involved in keeping our roads safe. Hopefully residents will bring these cards home to their family members because kids are walking on our streets and cycling as well and they need to know this information. He acknowledged Kristina Egan for her expansive thinking and guidance, Peter Joseph for his openness and responsiveness and a special thanks to the Bicycle Coalition of Maine who are providing 5,000 of these cards to Freeport at no cost.

Wayne Hollingworth of Durham Road noted that everyone has just heard a great suggestion and he would like the same group to get the people from away to look at it, especially when they are driving across Main Street.

Councilor Sachs acknowledged that there are several Scouts in the audience this evening that are observing the Council as part of their Citizenship and Community Badge. If these Scouts have not signed in, she asked that they text her later so she will know they are here. She thanked the Scouts for being here.

**MOVED AND SECONDED:** To close the Public Comment Period for Non-Agenda Items Only. (Egan & Sachs) **VOTE:** (7 Ayes)

**SEVENTH ORDER OF BUSINESS:** To take action on the following items of business as read by the Council Chairperson:

ITEM #196-13 To consider action relative to adopting the December 3, 2013 Consent Agenda.

**BE IT ORDERED:** That the December 3, 2013 Consent Agenda be adopted. (Hendricks & Egan)

Chair Hendricks reviewed the items on the Consent Agenda for members of the public. He asked Councilors to review the Council schedule and e-mail him of their vacation plans.

**ROLL CALL VOTE:** (7 Ayes)

ITEM #197-13 To consider action relative to gathering public comments regarding the RSU#5 Withdrawal article on the December 17, 2013 ballot. PUBLIC HEARING

**MOVED AND SECONDED:** That the Public Hearing be opened. (Egan & DeGrandpre)  
**VOTE:** (7 Ayes)

Chair Hendricks reviewed the ground rules that would be followed this evening. The Council wishes to state that while they are allowing the Moving Freeport Forward group to present tonight, they are not endorsing nor allocating that they had anything to do with putting the information forward as part of that group. The Council is hoping that voters and citizens have ample opportunity to see all the information presented by this group and also provide an opportunity for the pro RSU folks to present their side of the information as well. The three-minute rule will be strictly followed tonight. He is planning to give everyone an opportunity to speak at least once, no matter what their viewpoint is. If people have questions, he suggested that they make their comments and state their questions. The questions will be recorded all together and once the public hearing is finished, the Council will be able to start answering the questions that were raised.

Town Manager, Peter Joseph explained the 22 statutory steps of the withdrawal process. John Egan of Curtis Road and a member of the Moving Freeport Forward group made a presentation detailing the proponents' reasons for advocating withdrawal.

John Egan of Moving Freeport Forward made a presentation detailing the proponents' reasons for advocating withdrawal. They can be summarized with 1) regain local control; 2) improve the education capacity at our schools and 3) see what can be done to get away from the contentious and difficult climate that is a result of the RSU structure between the three communities.

Alan Tracy of Lower Flying Point Road pointed out that the petition has been filed and the vote on the 17<sup>th</sup> begins the process of forming a committee, of the committee doing the work to form an agreement which will be overseen and approved by the Department of Education. There maybe some back and forth between the committee and the Department of Education to come up with an acceptable agreement. There will be public hearing requirements prior to a second vote and it is at the second vote where there will be a Town vote and a referendum the agreement itself. If something comes out of left field that nobody could have anticipated, there is an escape hatch and that is to vote NO. If it doesn't work, it doesn't work. He noted that if the second vote is a NO, it ends the process. If the vote is YES, then the Town withdraws and the agreement goes into place.

Mr. Egan noted that the report from the Town's consultant talked about a \$1.6M estimate of what the increment would be for a Freeport-only school district. Mandy MacPherson explained that she is a member of the Data Subcommittee and looked into the proposed budget increase submitted to the Council earlier this fall. They make no recommendation as to what that cost will or should be for a Freeport school system. In the end, it will be up to the voters, planners and officials to determine the exact cost. She explained that if Freeport withdraws, how much Freeport School System costs or saves will be determined by the Freeport School Committee, the Freeport Town Council and the Freeport voters.

Nelson Larkins, chair of the RSU5 Board of Directors read some basic information on our school and what occurred during the past four years since Freeport became a part of RSU5. The information was on a handout that was provided to the Council and he requested that this information be provided under the materials on the front page of the Town's website to make it easy for folks to access.

Jonas Werner, Freeport resident, advised that he plans to vote YES on December 17 because he wants to learn the facts. He displayed some charts and noted he feels we are not evolving but rather devolving and he refuses to let this happen in his community. He views the world a little different than the chair of the RSU5. Our RSU was created because the State threatened to withhold money from us and we all hoped we might save some money. Since forming the RSU, the towns have voted on five school budgets and Freeport voted in favor of all five of them. Durham voted down all but one and Pownal voted down every school budget.

Wayne Hollingworth of Durham Road has taught for more than 60 years. He is unsure how he will vote on the 17<sup>th</sup>. He feels that a diverse education that includes people from other towns is helpful. He wants education for all children and the children at the bottom get looked at.

Terry Agnese, parent and Freeport resident raised the question - what is the barrier for beginning the high school renovations while going through the withdrawal process?

Kevin Nadeau, Durham resident, advised that all three towns feel they pay too much. He explained property valuations in the three towns and the State's funding formula. He mentioned that the Department of Education has to have a plan in place for students from Durham and Pownal before they will allow Freeport to vote on a withdrawal plan. If Freeport votes to withdraw, there is no expansion plan for the high school and no plan to renovate. Durham and Pownal will have to sign a contract with a school that has the capacity to take their kids. Absent any plan for Freeport voter approved expansion, it would be too risky for Durham to sign a contract to send their kids to an outdated and undersized high school. They would be forced to look at other alternatives.

Eric Horne, Freeport resident and parent advised that he collected signatures for the petition. He has come to the conclusion that Freeport really needs to explore the withdrawal option. He held up a chart showing that the State is withdrawing funding as Durham and Pownal's values come up. They are fighting a headwind of tax increases no matter what the RSU does. This is the reason they are voting against the budgets and against the bonds. They will have a tax increase no matter what they do. Freeport is at minimum receivership and we get very little money from the State so if we want to add a marginal increase into our school budget, we pay that marginal rate but we are not paying that on top of another headwind of tax increases created by this valuation which has nothing to do with the RSU.

Chris Parker of Spar Cove pointed out that he feels separation is a bad idea. He feels the union is getting stronger and it would be a travesty to reverse. He mentioned the votes on the bond issue. The renovations would not happen if we go to a single Board. He suggested working harder to mend fences and strengthen the union.

Michael Healy of Flying Point Road left questions:

1. Will the withdrawal agreement have a proposed Freeport alone school budget available for inspection before the voters vote on withdrawal?
2. Could you please calculate the average cost per pupil of operating Freeport High School at 657 students with today's program plus debt service?
3. Could you also make the same calculation of operating Freeport High School with the same programs for 400 students plus with whatever debt service there would be as a result of rebuilding the high school to proper standards. What is the average cost per pupil doing that?

It is his opinion that there will be a big increase in the average cost per pupil and someone is going to have to pay for it and he feels Durham and Pownal will not pay for it. He would like to see these numbers before making up his mind on how he will vote on withdrawal.

Tim Whitacre, Freeport resident, recommended that people vote in favor of withdrawal and move the process forward because there would still be an opportunity to pull out in the future.

Rod Regier of South Street raised actual school costs and survival viability of the high school in Freeport. Not long after the RSU was formed, he was invited as an outsider by the newly formed RSU Board with their budget committee to try to flesh out the financial responsibility portion of their new mission statement. They used State of Maine data about school costs and specifically what Freeport's costs were before the RSU formation. He found it staggering. Freeport's per pupil expenditures were high but not the highest in the State. Before the creation of the RSU, Freeport's per pupil costs were higher than the State average and higher than the Casco Bay neighbors that are used as contractual comparisons and higher than the aspirational schools. He sees this returning to the past. There has been a lot of pressure to try to make the financial consequence nil. The key to this is to have lots of tuition revenue and he believes this is fairy dust. We are not going to have 2/3 of a superintendent or 2/3 of a curriculum coordinator or the other stuff and we will be right back to having a school system with high administrative costs in a state which has notoriously high administrative costs. He doesn't feel we should aspire to the past in this case. In the years leading up to consolidation, there were concerns over whether there would be enough students or "critical mass" to fill the high school and maintain sports and extracurricular activities. Maintaining that high school and making sure there are enough students to have that high school function is a crucial part of the fabric for this town.

Shari Broder is a parent of a Sophomore at the high school and is strongly in favor of withdrawal. She mentioned that research shows that the optimum size for high schools in terms of graduation rates is approximately one hundred students per grade.

Lani Graham, resident, advised that this is not the time to go it alone. The wave of the future is to work collaboratively together in the most cost effective way possible. This is the most important lesson that Freeport students can learn. She believes in education for all the children whether they are from Pownal, Durham or Freeport. She had questions: 1) She would like to know more about the towns that experienced problems but continued to work together to make a successful RSU. 2) She asked if there is any data to confirm that education has deteriorated in Freeport, Pownal or Durham over the past years that the RSU has been in place. 3) There is some interesting demographic data in the initial report indicating that the youth populating may be declining whereas the elderly may be increasing. She wonders how this might impact the tax base and other required services.



**COUNCIL MEETING #24-13**  
**December 3, 2013**

Kim Murray, resident, advised that she will be voting to withdraw on December 17. She feels the time is now but she can understand that others really want to renovate the high school. She feels we need to be responsible and suggested that everyone consider when the bond comes due in the next budget season, just to cover the bond, the school budget will need to be increased by 5%. This is just to pay what we have to pay. A 2% increase would be just a cost of living increase. Can we go in and say we are ready to have a 7% budget increase? If not, we can't even cover the bare bones budget increase. She feels we should stop, unwind and look at our options. She suggested that all three towns come to the table and find the best way to educate the children of all three towns. She suggested being prudent.

Kate Werner of Carriage Road urged voters to vote YES on December 17. She explained that the threat of a withdrawal was a factor in the Durham vote for the bond. She feels the only chance of keeping a stable population in Freeport High School is outside of the RSU. She mentioned the families that have already left Freeport schools and many are poised to leave if Freeport does not withdraw.

Betsy Peters of Courtland Road, former RSU5 Board member mentioned that she didn't believe in consolidation at the time it was formed. She noted that estimating the costs and savings that withdrawal could create is like looking into a crystal ball. We have had bad data throughout our history and will continue to have bad data. We stand here with an opportunity to talk about what we want for our schools from an educational standpoint. She mentioned that the class of 2018 won't have grades any more but will be proficiency based. She asked how we want that to look? These are the questions we should be engaging in, not breaking up with our neighbors down the road. She does not feel that we should break up and that we should focus this great energy on what we want to be going forward and make Freeport schools stand out.

Mary Ann Doyle, parent and Freeport resident, feels we are losing our way in the RSU. Every spring it feels like a big wet blanket comes down on everyone. Everyone rallies and votes for and against each other around an already compromised budget, both at the ballot box and in the drawn out open meetings. Freeport has an opportunity to simplify its governance and return its focus to students and schools.

John Lowe of North Freeport noted he has asked high school students if they like being in the high school with Durham and Pownal kids. They have told him they like having the Durham and Pownal kids in the high school and they get along great. He feels we should support the RSU and not put off the renovations. The RSU Board is doing a great job and he does not see all the dissension that has been mentioned. He asked how the negotiating committee would work when Freeport has five members, Durham has three and Pownal has two? It will cost a minimum of \$50,000 to do the negotiations. How much will it cost on the RSU side? If it costs another \$50,000, Freeport will have to pay 60%+ of that so the additional research will cost Freeport approximately \$80,000. In the end, he would like to stay the way we are. He hopes the message is put out to Freeport voters to vote their conscience. He asked everybody to encourage their friends and neighbors to get out and vote. He would not like this to evolve with 400-500 votes.

Carol Hudson of Harraseeket Road had a question. The consultant stated that it would cost the Town of Freeport \$1.6M to dissolve and the Moving Freeport Forward folks have suggested that this is not the case. She would like to hear response from the consultant and clarification.

Walter Libby, Freeport resident noted that voting YES on the 17<sup>th</sup> will allow Freeport to go through the process and learn whether we have an advantage in staying in the RSU or whether it should be dissolved. He would like all the information and there will be a second vote. Voting YES on the 17<sup>th</sup> doesn't mean we are dissolving. He plans to vote YES on the 17<sup>th</sup> and will look at all the possibilities. Durham went through this process and decided to stay in the RSU. He wants to see all the information.

Michelle Ritcheson, Durham resident and School Board member advised that Durham did not go down the road to the 22 steps. They stopped at the vote similar to Freeport's vote on the 17<sup>th</sup>. She pointed out

that beginning the withdrawal process on December 17 is a big step and would be more than an exploratory step. Freeport will have to come up with a plan that the Department of Education will approve. It is a mandate of the 22 Step process. It will mean a lot of work, a lot of money and a lot of time for people to put into the process to potentially say it wasn't a good idea. Durham and Pownal have to have a plan for where their kids will go.

Marlene Berry, Freeport resident and parent asked what we are going to do immediately for those students that are in the high school now or going into the high school before they can get a school that is up to standard? What are we going to do about the people that will leave because our school is not up to standard? She is worried about kids now in a substandard situation and the kids in the future. What are the time frames we are talking about? If we vote YES on December 17, how much longer do we have to wait for that school to be safe and enjoy the high school experience that she moved to Freeport for? She feels the math looks good on both sides and you can make the numbers look how you want to look. Where is the objective data telling us it is going to be more beneficial for us to pull out rather than stay, work together and get stronger and hopefully people's emotions can calm down and jell more and we can focus more on our kids and the positives.

Alan Tracy noted that Ms. Berry is asking a question that a lot of people are asking and the short answer is that nobody knows when it is. The high school renovation certainly will be pushed out and the question is when will we receive an appropriate high school that we already voted on? If we vote YES on the 17<sup>th</sup> and form an agreement and when is the next vote likely? Probably and realistically it will not be before the fall of 2014 to approve that just because of the quorum requirements needed on an election. He noted this is all speculation. On the 17<sup>th</sup> we are voting to explore and he believes it is not just for Freeport. In his view of this process, the three communities are going to sit down and figure out a different way to work together. This is what he wants and hopes will happen. He believes there is a better way than the RSU. We have an opportunity to go back with a YES vote and look at it. He agrees that it is going to take time and will push out the renovation we already have. Freeport is a unique community and it deserves the best school that we can create.

Lindsey Sterling, Freeport resident, noted she would prefer to work in a Freeport stand-alone district where voters are generally supportive of spending on education. She has discovered that the voters control the purse strings in a community. She noted that a YES vote on the 17<sup>th</sup> will delay a high school renovation between one and two years and she feels it physically hurts to wait. She consoles herself by saying that buildings alone do not transform education and after withdrawing a renovated high school will be the beginning of an era of positive change. For now, we are voting to explore our options and if the plan doesn't turn out to be good, we can vote it down and keep on being an RSU. She thanked Nelson Larkins for providing such an impressive list of improvements made under the RSU5.

Kate Butler of Desert Road feels that some nimbleness in supporting whatever came up in the school system has been lost over the past few years. She feels 400 students in a high school is a really nice number. It's big enough to have a lot of programming but not so big, that people get lost. The vote on the 17<sup>th</sup> is the first step to stop and look at the existing situation and think through what was pushed through in 2009. She is looking forward to having an opportunity to rethink and if the decision is to stay with the RSU, people will be more comfortable with that decision and ready to move forward.

Mandy MacPherson explained the changes made in education and pointed out that we need flexibility in governing our schools. We also need to retain our sense of community. Since the formation of RSU5 was formed, much has changed - population projections are vastly different, cost sharing has become complex and contentious and forcing our will on our neighbors by outvoting them in every budget and bond vote is not feeling very neighborly.

Beth Parker, RSU5 Board member, speaking as a private citizen, advised that a YES vote on the 17<sup>th</sup> will bring the RSU to a halt and the renovation will not go forward. If there is a YES vote on the 17<sup>th</sup>, she will

find another stable school for her Freshman daughter. She explained the budget validation referendum where people will come with a YES or NO vote. It will not be like the Town Meeting that we currently have where people can come and add things they wanted into the budget or take things away. The School Board would make up a budget and bring it to the Town Council which we previously did and things always got cut out of the budget such as curriculum coordinators, etc. and then it will go to a vote but it then goes back to the Town Council. She does not believe it goes back to the School Board. People mention the per pupil costs and Freeport has four buildings. We have to pay for the brick and mortar. If you take five kids out of a classroom, you still need the teacher and you will lose \$50,000. While smaller classes are nice, you still need a teacher and it will cost you more. She mentioned there is a lot of diversity in Freeport and this is a reason it costs more.

Jerry Antl, Bailey Farm Road resident is a parent of two children in the district. He got involved because he is worried about the quality of education in the Freeport schools. He was worried about the annual contentious budget disagreements and the future quality of the RSU school district. He mentioned the Maine schools that are having these same discussions. He advised that Cape Elizabeth spends \$11,032 per pupil compared to Freeport's costs of \$12,400 and they have higher test scores and a higher graduation rate. He feels there are plenty of ways for Freeport to work with its neighbors. He has questions about the fuzzy math surrounding these projected significant cost increases. Having a YES vote on the 17<sup>th</sup> is not a scary thing. It will allow us to explore the process and take a look at what our options are and then come back as a Town and decide if this is something we want to do or not.

Charley Haversat advised that she will be voting YES to withdraw on the 17<sup>th</sup>. She has learned that running a school district in the State of Maine is probably the most complicated thing anyone can do. She had some information to share with the Council. She feels Freeport has lost its passion. She noted that in 1990 students led a Styrofoam ban in Freeport. This is what we want to build here. She suggested that everyone should ask themselves what we want to become and what we deserve to become.

Mr. Joseph had some answers for the questions raised earlier.

**What is the barrier for beginning the high school renovations while going through the withdrawal process?**

There is no barrier to start the renovation other than the School Department's restraint to spend the money they are legally authorized to spend while we are going through the withdrawal process. The RSU does have the ability to bond that money, to issue the debt. The flip side, the debt that we take on would be a barrier to withdrawal if they take on the debt. It is multi faceted, depending on which way you approach this question. We would have to split up the debt that they already issued which is why the RSU5 Board is not taking the debt on.

Shannon Welsh, Superintendent, spoke to the attorney and was advised that the RSU is authorized to expend the bond in the RSU's name. It cannot transfer the bond to Freeport and only the RSU can take out the bond. The bond would not be taken out until well into the construction process so you would be doing bond anticipation notes while you begin the construction process. If Freeport votes on December 17 to withdraw, and then a year or 18 months later, votes to withdraw, the RSU would not have issued the bonds so that entity would not have a legal right to actually take out the full package so the legal Counsel has said that they would not stand behind issuing the bonds at that point. They are the ones that said that there is simply too much uncertainty to move forward with the process at this point. The Board has made it clear to all three communities that they would not move forward.

**Will the withdrawal agreement have a proposed budget?**

Mr. Joseph noted that it does not have to. A budget would be developed by the elected School Board after withdrawal.

Jerry Antl advised that Wiscasset used \$15,000 from their \$50,000 withdrawal budget to hire an architect because of some aging infrastructure and looked at capacity and the best way to treat all those assets. They also went ahead and started School Board elections on January 7 and got a package to the public. Each town has the luxury to go ahead and do whatever the withdrawal committee wants so the public gets a full scenario and nothing has to go on hold including school board elections.

**Per pupil costs with debt service for 657 students and for 400 students?** Mr. Joseph noted he did not have the answer to these questions. Councilor Tracy explained that she forwarded these questions on to the Finance Director. Councilor DeGrandpre pointed out that he wants to be sure we are comparing apples to apples.

**Examples of towns that had RSU problems but worked through them and remained as an RSU?**

Mr. Joseph mentioned the town of Arundel did not withdraw but he did not know if they were having problems. Charley Haversat did not have specific examples but mentioned that MMA had a good article in May which would be a good reference point. Mr. Joseph offered to research this and will put it up on the Town's website.

**Councilor Sachs asked about Mr. Regier's question dealing with critical mass and the survival of the high school.** Mr. Joseph offered to do some research on this.

Councilor Tracy mentioned that an addendum to that question is whether the RSU population numbers they were using when they formulated the RSU (according to innuendo) were they using State population numbers, not specific to Freeport or our specific region. She feels this is something to ask. Councilor Sachs mentioned that Chuck Lawton put together demographic projections. Beth Parker pointed out that before the RSU came along, Freeport was looking at how to get from four schools to three schools because of the lower population in all the schools and it was costing so much but then the RSU was formed.

Is there any data showing that education levels or testing levels among students have declined since the RSU formation?

Shannon Welsh pointed everyone to the RSU5.org website where the state of the schools publication is on line there. It is mailed to every household in our three towns. Targets and financial targets were set during the first year of the RSU. They followed through on them and reported out on them. Some of the tests have changed as well as some of the things being looked at have changed so it is hard to make those comparisons. They have reported out since 2010.

**How the distribution of votes on the RSU Board would work in negotiations?**

Mr. Joseph noted this needs to be researched but had an add on - who exactly who gets to sit on the negotiating board. Does it mean the five Freeport reps and the five out-of-town reps get to sit equally and then create a deadlock?

Kevin Nadeau noted he asked this question of the Department of Education and was informed that typically how it worked in Wiscasset, if the town withdrawing is the town that has the high

school, the Board members of the remaining towns would negotiate the agreement. In this case, the withdrawal committee would negotiate an agreement with Pownal and Durham Board members. It would require a majority vote on both sides.

Councilor DeGrandpre noted that the Withdrawal Committee is formed by the Town Council but they are negotiating a contract with RSU Board members from the other communities. A lot of the problems we have go back to our original contract. Going forward it is the RSU Board members from Durham and Pownal who will be negotiating with the Town-appointed committee. Mr. Joseph offered to confirm this with the DOE.

Kevin Nadeau pointed out that if the RSU stays together, the three towns could open up the original agreement and renegotiate it. The RPC agreement calls for a review of the terms in year 5, which is this year. After withdrawing, an AOS could be formed with other towns. Mr. Joseph will confirm this with the DOE.

### **How much will negotiation cost on the RSU5 side?**

The superintendent had no idea at this time.

### **What is the consultant's response to Moving Freeport Forward?**

Councilor Egan noted that one of Mr. Regier's points was that there was a flat fraction that was applied to all the different costs in Mr. Lawton's methodology and she asked if he could speak to whether this makes his numbers more conservative or not.

Consultant Chuck Lawton pointed out that it is encouraging and inspiring to see democracy at work. In response to the petition committee's evaluation of the data, he advised that it entirely comes down to an interpretation of the size of a Freeport-only school and the maintenance of an education equivalent to the current education. This is a question of do you include only Freeport students in the high school or do you include all students who may come to that school? That is the difference. Do you include tuition from Durham and Pownal students who may somehow attend and that in effect is precisely the same school that you have today and it will be precisely the same cost. If that school that is created under a Freeport-only system, whatever that may be, attracts an agreement that Durham and Pownal students will come to that school and will pay a negotiated tuition then obviously the cost of the school operated as a Freeport-only school will be reduced because it will be the same system, same teachers, course offerings, etc.

As for the flat fraction, initially Mr. Lawton said attribute only the costs associated with Freeport schools but revised it to include some portion of common expenses and he simply took the proportion of students as the common fraction that if in fact that if Freeport students were 60% of the students in the RSU, then you attribute 60% of administrative costs and 60% of all the common costs. A more detail evaluation of that could show that it may be 62%, 58% or whatever it might be. The only reason was the simple ratio of share of students to share of administrative costs.

Councilor Tracy asked Mr. Lawton if he felt the analysis was fair with respect to the other costs identified. Mr. Lawton had no reason to believe they were not accurate. The vast majority of the difference is made up in the interpretation of how many Durham and Pownal will come and what their tuition revenue will be.

**How long will it delay the construction project if there is not a positive second vote?**

Mr. Joseph's best estimate is 5-6 months. If we did withdraw, we would have to pass another bond because the RSU wouldn't exist.

Councilor Gleeson mentioned that he saw three options in a meeting presentation. Shannon Welsh advised that there were three options - the base bid, the repair of the fields and the track and turf field.

Mandy MacPherson reported that the architect presented various options to the School Board on May 9 which she read into the public record.

Nelson Larkins noted that the architect was asked to look at the current school and the projected student totals going forward. Everything was premised on projected enrollment. Obviously some things would need to be done no matter what. We would want to replace the siding on the gym that is rotting off, etc. and these things would be incorporated into a Freeport-stand alone school even if it was a much smaller school population. He doubts the architect could take the plans and shovel off of them. Chair Hendricks pointed out that this is not something that will be decided tonight.

Councilor DeGrandpre noted that currently the cost share keeps coming up in front of us between the three communities. There has been discussion tonight that we should all be contributing to the education in these three communities. The State of Maine makes adjustments in their school funding formula for the different demographics which is why they fund schools in Freeport, Durham and Pownal all differently. The problem with the cost share right now is that it is inequitable and there is no room in the plan we are working on to move towards a per student. As the demographics in these communities change, it continues to leave Freeport at a disadvantage. He has a question on the cost share of the bond going forward. Is it divided the same way and will Freeport be paying a higher percentage than our share of students? The superintendent replied that it would be 14% above what the State provides and what the towns provide plus the bond payment.

Councilor Sachs brought up Beth Parker's question - does the budget go in this model, School Board to Town Council and the Town Council modifies it. Does it go back to the School Board?

Mr. Joseph noted he could provide an answer but it would need an interpretation from someone who knows the school process. The current school process that the RSU is using since 2009, the School Board makes the budget, sends it to the Town meeting of voters from all three towns and then it goes to a budget validation referendum. Because Freeport is a chartered town, the Council is substituted for the town meeting style budget meeting. If the Council changes the budget, it does not go back to the RSU Board. It would go straight to the budget validation referendum after the Council. Superintendent Welsh advised that if the Freeport Municipal School system

has a budget that fails in a referendum vote, it would go back to the Town Council. The Council would decide whether to cut the budget by 5% and send it back to the voters or send it back to the Board to decide where the cuts are and then bring it back to the Council.

**MOVED AND SECONDED:** That the Public Hearing be closed. (Egan & Gleeson)  
**VOTE:** (7 Ayes)

**BE IT ORDERED:** That as per 20-A M.R.S.A. Section 1466 (3)(B) the Town Council write an explanation stating to the best of its knowledge the reason(s) why the Town of Freeport seeks to withdraw from RSU#5 and submits notice to the Town Clerk. (Egan & DeGrandpre)

Mr. Joseph explained that this statement has to be developed and sent by the Town Clerk to the Commissioner the day after the vote passes. Discussion followed. The following statement was provided by Councilors Sachs and Tracy:

The Town of Freeport seeks to withdraw from RSU5 in order to explore greater flexibility in the administrative structure of our educational system, increase local control over budget expenditures, create a more collaborative model with our community partners, and to increase the quality of education in Freeport schools.

**ROLL CALL VOTE:** (7 Ayes)

**NOTE: Councilor Egan was excused at 10:10 p.m.**

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ITEM #198-13 To consider action relative to a local match for a SHIP grant.

**BE IT ORDERED:** That the following ordinance be submitted for consideration by the Town Council: "The Town of Freeport hereby ordains that a supplemental appropriation in the amount of \$67,000 be authorized for the purposes outlined in the draft SHIP grant application dated December 4, 2013 and endorses completion of the projects included in the application. \$33,500 of said appropriation to be expended from the public infrastructure reserve account and \$33,500 of said appropriation to be expended from a State Department of Transportation Small Harbor Improvement Program (SHIP) grant. appropriation shall be contingent upon the receipt of said grant funds."

**BE IT FURTHER ORDERED:** That a Public Hearing be scheduled for December 17, 2013 at 6:30 pm at the Hunter Road Field House to discuss a supplemental appropriation for a local match for a SHIP grant.

**BE IT FURTHER ORDERED:** That copies be distributed equally between the Town Clerk's Office, the Town Manager's Office and the Freeport Community Library for inspection by citizens during normal business hours and the notice be placed on Freeport's local cable channel 3 and the Town's website. (DeGrandpre & Gleeson)

Mr. Joseph explained the SHIP Grant to Councilors and the Council needs to have a public hearing in two weeks. It has not been submitted yet. Jay Pinkham reviewed the projects included in the application.

**ROLL CALL VOTE:** (6 Ayes) (1 Excused-Egan)

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**COUNCIL MEETING #24-13**  
**December 3, 2013**

ITEM #199-13 To consider action relative to a request from Freeport Community Services for a Victualer's License exemption.

**BE IT ORDERED:** That Freeport Community Services be granted a Victualer's License exemption as per Chapter 30: Victualer's Licensing Ordinance, Section 3, and be granted a refund in the amount of \$135.00. (Gleeson & DeGrandpre)

Councilor Sachs recused herself from deliberations citing a conflict of interest. Mr. Joseph explained that the state requirement of a food license for FCS will no longer be necessary and FCS is requesting a victualer license refund which was renewed in September.

**ROLL CALL VOTE:** (5 Ayes) (1 Excused-Egan) (1 Recused-Sachs)

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ITEM #200-13 To consider action relative to Bartol Library roof bids.

**BE IT ORDERED:** That the low bid of \$35,040 be awarded to KW Smith & Son, Inc. (Tracy & DeGrandpre)

Mr. Joseph pointed out that a supplemental appropriation from Reserves will be needed.

**ROLL CALL VOTE:** (6 Ayes) (1 Excused-Egan)

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ITEM #201-13 To consider action relative to salt shed roof bids for the Public Works Department.

**BE IT ORDERED:** That the low bid of \$14,500 be awarded to P&P Construction. (Sachs & DeGrandpre) **ROLL CALL VOTE:** (6 Ayes) (1 Excused-Egan)

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**OTHER BUSINESS**

1. Review draft of the Town's Stormwater Program Management Plan for submittal to the Maine DEP by December 6, 2013.

Albert Presgraves, Town Engineer, explained that he provided a memo explaining stormwater related activities and regulations. He offered to answer questions for Councilors. He pointed out that the Council is invited to attend the Concord Gully Public Forum scheduled on December 10, 2013 at 6 p.m. in Council Chambers. Discussion followed. Mr. Presgraves was thanked for staying on top of this work. There was general agreement that it is great to have someone so competent in house.

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2. Disposition of Town Property – old Accuvote machines.

Mr. Joseph explained that the Town is selling four old Accuvote machines. Two towns in Massachusetts have offered to purchase them at \$200 each.

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**MOVED AND SECONDED:** To adjourn at 11 p.m. (Sachs & DeGrandpre) **VOTE:** (6 Ayes) (1 Excused-Egan)

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Respectfully submitted,

Sharon Coffin, Council Secretary  
Council Secretary



**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #26-13**  
**HUNTER ROAD FIELD HOUSE, 96 HUNTER ROAD**  
**TUESDAY, DECEMBER 17, 2013 – 7:30 P.M.**

|   | <u><b>PRESENT</b></u> | <u><b>ABSENT</b></u> | <u><b>EXCUSED</b></u> |
|---|-----------------------|----------------------|-----------------------|
| Rich DeGrandpre, 11 Timber Ridge Road   | x                     |                      |                       |
| James Hendricks, 21 West Street         | x                     |                      |                       |
| Kristina Egan, 5 Weston Point Road      | arrived at 8:30       |                      |                       |
| Melanie Sachs, 84 Kelsey Ridge Road     |                       |                      | x                     |
| Andrew Wellen, 83 Hunter Road           | x                     |                      |                       |
| Scott Gleeson, 23 Park Street           | x                     |                      |                       |
| Sarah Tracy, 75 Lower Flying Point Road | x                     |                      |                       |

Chair Hendricks called the meeting to order at 7:30 p.m. and took the roll. He advised that Councilor Egan would be arriving later and Councilor Sachs is excused this evening.

**FIRST ORDER OF BUSINESS:** Pledge of Allegiance

Everyone stood and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the Minutes of Meeting #25-13 held on December 3, 2013 and to accept the Minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the Minutes of Meeting #25-13 held on December 3, 2013 and to accept the Minutes as printed. (DeGrandpre & Tracy)

**VOTE:** (4 Ayes) (3 Excused-Egan, Sachs & Wellen)

**THIRD ORDER OF BUSINESS:** Announcements

Chair Hendricks pointed out to anyone that hasn't already voted, that the polls will be open for another half hour tonight on whether or not to begin the RSU withdrawal process.

Dog licenses will expire on December 31. There will be a Rabies Clinic at the Freeport Town Hall on January 11 from 9 a.m. to Noon. The storm date for the clinic is January 25<sup>th</sup>. For your convenience, the Town Clerk's Office will be open for dog registrations at that time.

**FOURTH ORDER OF BUSINESS:** Information Exchange

Chair Hendricks mentioned Council Assignments and that six Councilors have been great about getting their list to him and he is hoping the one that hasn't yet responded will get his choices to him in the next few days. He suggested that he fax them to 865-0084. Chair Hendricks will try to get everyone one of their top three choices but will have to even the choices out. He plans to have these done for the first meeting on January 7.

**FIFTH ORDER OF BUSINESS:** Town Manager's Report

Mr. Joseph advised that he left 25 copies of his report back at Town Hall but it should be posted on the Town's

website. His report on the website included:

- Now that we are well into snowfall season, please remember that the Town of Freeport has a winter parking ban in effect from 11:00 p.m. – 6:00 a.m. every day of the week. No on-street parking is allowed during this time. If you are parked in the street during this time, you will be ticketed by the Police Department. If you are parked in the street during a major snow storm and your vehicle is preventing the Public Works Department from safely removing snow, your vehicle will be towed! Additionally, special bans on street parking may be instituted any time that a storm with heavy snowfall is forecast. These bans will be listed on TV channels 6, 8, 13, & 51, as well as local radio stations. Please remember to check these media sources before parking on the street during any major snow events during the daytime. Any questions can be addressed to either the Police Department business line at 865-4800, or the Public Works Department at 865-4461. Thank you for your cooperation.
- Please remember that dog licenses are due December 31<sup>st</sup>. Please bring a copy of your current rabies certificate when you register. Cost to register is \$6 for a spayed or neutered dog, or \$11 for an unaltered dog. By ordinance a \$25 late fee will be assessed on any dog not registered by January 31<sup>st</sup>.

Also, there will be a Rabies Clinic at the Freeport Town Hall on January 11 from 9 a.m. to Noon. The storm date for the clinic is January 25th. The Town Clerk's Office will be open for dog registrations at that time, for your convenience.

**Municipal Offices Holiday Hours**

- Christmas Eve, December 24, 2013 - Town Hall, Library and Recycling/Transfer Facility closing at 3:00 p.m.
- Christmas Day, December 25, 2013 - Town Hall, Library and Recycling/Transfer Facility closed
- New Year's Day, January 1, 2014 – Town Hall, Library and Recycling/Transfer Facility closed

Chair Hendricks thanked the Public Works Department for their good work in snow removal.

**SIXTH ORDER OF BUSINESS:** Public Comment Period – (30 Minutes) (Non-Agenda Items Only)

There were no public comments provided so the Council moved on.

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**SEVENTH ORDER OF BUSINESS:** To take action on the following items of business as read by the Council Chairperson:

ITEM #204-13 To consider action relative to adopting the December 17, 2013 Consent Agenda.

**BE IT ORDERED:** That the December 17, 2013 Consent Agenda be adopted. (Hendricks & DeGrandpre)

Chair Hendricks reviewed the items on the Consent Agenda for members of the public.

**ROLL CALL VOTE:** (5 Ayes) (2 Excused - Egan & Sachs)

ITEM #205-13 To consider action relative to a supplemental appropriation for a local match for a SHIP grant. PUBLIC HEARING

**MOVED AND SECONDED:** That the Public Hearing be opened. (DeGrandpre & Gleeson)  
**VOTE:** (5 Ayes) (2 Excused - Egan & Sachs)

There were no public comments provided.

**MOVED AND SECONDED:** That the Public Hearing be closed. (DeGrandpre & Gleeson)  
**VOTE:** (5 Ayes) (2 Excused - Egan & Sachs)

**BE IT ORDAINED:** That a supplemental appropriation in the amount of \$67,000 be authorized for the purposes outlined in the draft SHIP grant application dated December 4, 2013 and endorses completion of the projects included in the application. \$33,500 of said appropriation to be expended from the public infrastructure reserve account and \$33,500 of said appropriation to be expended from a State Department of Transportation Small Harbor Improvement Program (SHIP) grant. Appropriation shall be contingent upon the receipt of said grant funds. (Jay Pinkham) (20 minutes) Note: The balance in the public infrastructure reserve account as of 12/11/2013 is \$1,985,851.

Chair Hendricks explained that this was discussed at the Council's most recent meeting. This grant money permits the Town to repair or replace items that have needed attention at half price. Mr. Joseph noted that \$6,000 is for a new item to stabilize and add granite steps at Little River in an effort to prevent further erosion.

**ROLL CALL VOTE:** (5 Ayes) (2 Excused - Egan & Sachs)

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ITEM #206-13 To consider action relative to proposed amendments to Chapter 21: Zoning Ordinance Section 406 Medium Density A&B Districts as recommended by the Planning Board.

**BE IT ORDERED:** That a Public Hearing be scheduled for January 7, 2014 at 6:30 p.m. in the Council Chambers at Town Hall to discuss proposed amendments to Chapter 21: Zoning Ordinance Section 406 Medium Density A&B Districts as recommended by the Planning Board.

**BE IT FURTHER ORDERED:** That copies be distributed equally between the Town Clerk's Office, the Town Manager's Office and the Freeport Community Library for inspection by citizens during normal business hours and the notice be placed on Freeport's local cable channel 3 and the Town's website. (Tracy & DeGrandpre)

Town Planner, Donna Larson provided a brief overview of these amendments.

**ROLL CALL VOTE:** (DeGrandpre & Gleeson) **VOTE:** (5 Ayes) (2 Excused - Egan & Sachs)

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ITEM #207-13 To consider action relative to a supplemental appropriation to purchase an additional sidewalk machine for the Public Works Department.

**BE IT ORDERED:** That the following ordinance be submitted for consideration by the Town Council: “The Town of Freeport hereby ordains that a supplemental appropriation in the amount of \$60,000 be authorized for the purpose of purchasing an additional sidewalk machine for the Public Works Department. \$30,000 of said appropriation to be expended from the Public Works Reserve and \$30,000 from the TIF account.”

**BE IT FURTHER ORDERED:** That a Public Hearing be scheduled for January 7, 2014 at 6:30 p.m. in the Council Chambers at Town Hall to discuss a supplemental appropriation to purchase an additional sidewalk machine for the Public Works Department.

**BE IT FURTHER ORDERED:** That copies be distributed equally between the Town Clerk’s Office, the Town Manager’s Office and the Freeport Community Library for inspection by citizens during normal business hours and the notice be placed on Freeport’s local cable channel 3 and the Town’s website.

Note: The balance in the Public Works Reserve account as of 12/11/2013 is \$702,865, and the balance in the Destination TIF account is \$267,096. (Wellen & DeGrandpre)

Town Engineer, Albert Presgraves explained that the Town's sidewalk machine has broken down and they are leasing one right now. They have been unable to find a good used machine but a demo machine has become available that Earl Gibson is interested in purchasing. It appears to be a good deal for the Town. Discussion followed.

**ROLL CALL VOTE:** (5 Ayes) (2 Excused - Egan & Sachs)

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ITEM #208-13 To consider action relative to a supplemental appropriation for replacement of the Bartol Library Roof.

**BE IT ORDERED:** That the following ordinance be submitted for consideration by the Town Council: “The Town of Freeport hereby ordains that a supplemental appropriation in the amount of \$35,040 be authorized for the purpose of replacing the Bartol Library Roof. Said appropriation to be expended from the Bartol Building Fund.”

**BE IT FURTHER ORDERED:** That a Public Hearing be scheduled for January 7, 2014 at 6:30 p.m. in the Council Chambers at Town Hall to discuss a supplemental appropriation for replacement of the Bartol Library Roof.

**BE IT FURTHER ORDERED:** That copies be distributed equally between the Town Clerk’s Office, the Town Manager’s Office and the Freeport Community Library for inspection by citizens during normal business hours and the notice be placed on Freeport’s local cable channel 3 and the Town’s website.

Note: The balance in the Bartol Building Fund as of 12/11/2013 is \$675,890. The Town did not budget for roof replacement during the budget season. (Gleeson & DeGrandpre)

Town Engineer, Albert Presgraves provided an overview on replacing the Bartol Library roof.

**ROLL CALL VOTE:** (5 Ayes) (2 Excused–Egan & Sachs)

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ITEM #209-13 To consider action relative to Pine Street Vault roof bids.

**BE IT ORDERED:** That the low bid of \$12,635 be awarded to Above and Beyond, LLC. Note: The Pine Street Vault roof repair was budgeted in the amount of \$18,000 from the building reserve account, and the balance in that account as of 12/11/2013 is \$552,996. (DeGrandpre & Tracy)

Councilor DeGrandpre noted that the contractor indicated that it is important for him to keep his employees busy in the winter which accounts for the lower price.

**ROLL CALL VOTE:** (5 Ayes) (2 Excused - Egan & Sachs)

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ITEM #210-13 To consider action relative to the repayment terms of the Habitat for Humanity of Greater Portland Promissory Note.

**BE IT ORDERED:** That the terms of the Habitat for Humanity of Greater Portland Promissory Note be amended as follows. Strike language “Borrower shall make a payment to Lender in the amount of Eighteen Thousand Dollars (\$18,000) at the time of closing on the sale of each Lot in Borrower’s subdivision located at or near West Street, Freeport, Maine”, and insert language “Borrower shall make a payment to Lender in the amount of Forty Eight Thousand Dollars (\$48,000) at the time of closing on the sale of each Lot Number 6, 7, and 8 in Borrower’s subdivision located at or near West Street, Freeport, Maine.” (Tracy & DeGrandpre)

Mark Primeau, Development Associate for Habitat for Humanity explained that they are requesting that the repayment terms be adjusted so they can build the units faster and get the first five of eight units sold and on the tax role quicker and allow them time to put the financial plan in place with the community banks (Gorham Savings, Bath Savings and Norway Savings.) He answered questions for Councilors and discussion followed.

**ROLL CALL VOTE:** (5 Ayes) (2 Excused - Egan & Sachs)

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#### **OTHER BUSINESS:**

1. FEDC Update.

Keith McBride, Executive Director, provided his Quarterly Economic Indicators Report for the Fourth Quarter of 2013. He is excited to report that Thomas Moser has sought Project Review Board approval for their new West Street/Main Street retail building. A few new businesses have opened in this quarter but unfortunately, Claire Murray will be vacating their premises. He mentioned that he is exploring the feasibility of establishing a shared office space in Freeport for businesses that cannot take on a traditional lease and are tired of working from home. He also hopes to include conference room space but at this time, does not know how it will be operated. It would be great to have a feeling of who would be interested in this, what they would be willing to pay and what they would expect. This is something to explore. Beth Edmonds agreed that this is an issue that is needed. At the Library people are always looking for private meeting areas. Discussion followed. Mr. McBride noted that FEDC does not meet in December and their next Board meeting will be held on January 28 at Freeport Community Center in the large meeting room. He plans to continue to provide these reports to the Council on a quarterly basis. The Council thanked him for the update and coming out on this snowy night.

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**NOTE: Councilor Egan arrived at 8:35 p.m.**

2. Discuss proposal for the Library to enter the Inter-Library loan system, Minerva.

Library Director, Beth Edmonds explained her handout titled "Freeport Community Library Entrance Into the Statewide Minerva System". She answered questions for Councilors. Ms. Edmonds noted that she wanted to give the Council a heads up on this system and plans to see the Council in March. The Council thanked her for explaining her proposal

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3. Discuss Council Goals for 2014.

Chair Hendricks explained that he plans to change the process this year relative to 2014 Council Goals and attempt to see if it works better or not. The Council's first goal last year under Council Leadership was to operate cohesively as a group, promote intercommunication and information exchange between Councilors and conduct business efficiently, while promoting transparency of Town government. He feels the Council did accomplish this goal and he hopes the Council will continue to accomplish it.

Under Budget and Taxes: 1. Develop and approve municipal operating and capital budgets that anticipate reductions in State Aid to RSU 5 as well as reductions in municipal revenue sharing. Chair Hendricks doesn't feel the Council did this. No one had a crystal ball in determining State Aid.

2. Prioritize, evaluate and control expenditures to minimize the impact on tax payers and strive to maintain the current tax rate. Chair Hendricks feels the Council did a very good job of putting together a budget and kept our current level of services but the tax increases were due to the cost of education and revenue sharing at the State level.

Under Communication:

1. Continue efforts to engage and inform as many residents as possible in decisions affecting the Town's future. Consider and adopt the Strategic Communications Plan drafted by the Communications Committee to guide this process. Chair Hendricks feels the Council did this and should continue to do so.

2. Conduct a workshop or series of workshops with the Board of Directors for RSU 5 and the representatives of Durham and Pownal to identify ways to collaborate in the administration of municipal services and collectively assess the potential impact of the RSU 5 school budget on local tax rate. Chair Hendricks noted the Council attempted this but the RSU5 Board was not receptive to having an open deliberate discussion that the Council would have liked.

**Under Economic Development:**

1. Foster economic development that supports our downtown and protects our natural areas, as recommended in our Comprehensive Plan, and support the growth of small businesses. Chair Hendricks noted that while some of this went on during the year, the Council did not strive to meet that goal as well as it could have. The Council did not commit a lot of resources or time to it. While it was a good goal to have, it was not made a priority.
2. Develop a strategic sustainability plan for Freeport. Chair Hendricks explained that the Council did not work on this goal at all. The Council did not commit efforts to starting this either with a committee or a joint committee that included residents.

Chair Hendricks offered to start - for him, solid strength points would be under Budget and Taxes, control expenditures and try to maintain our current tax rate and keep it as stable as we can and try to keep our current level of services.

Under Leadership, continue to state promoting intercommunication and information exchange and cooperation between Councilors. It is important. This Council has done a great job in promoting intercommunication between the Council and the public.

Chair Hendricks would prefer to strategically plan this as a group rather than having individual Councilors submit their individual goals scattered throughout seven people.

Councilor Egan pointed out how bad the weather is and the Council might not get this done tonight. Chair Hendricks explained that he wanted to get started tonight rather than putting it off to January. If the Council doesn't get it finished tonight, a second discussion can be held at another January meeting.

Councilor Tracy shared her ideas --She feels the Council should keep #1 and promote real time collaboration too and input on how the Council will approach issues before getting to the Council meeting. She mentioned looking into the Sunshine Laws. She noted that it is possible that the Council could talk about process but not substance.

Councilor DeGrandpre mentioned that when a Councilor arrives at a meeting, it appears that some people are prepared to move forward and make a decision but others are hearing about it first time. It is a matter of making sure everyone understands this item is just for discussion and it will be brought back to make it happen. If anyone needs more information, they should make sure they get it. Councilor Wellen would like clarification on the Sunshine Laws. Mr. Joseph suggested having the Town Attorney discuss this the next time he comes to the Council. Councilor Egan agrees it is important to get this clarified. Councilor Gleeson noted the good thing about this Council is that it is all about being transparent. At the same time, perhaps we are not as hamstrung as we believe we are. He would love to know what the Council can and cannot do.

Councilor DeGrandpre suggested that the Council put some questions together for its workshop and include Sunshine Laws with Attorney Hole. The meeting is open to the public as well. Chair Hendricks feels everyone

could be better about sharing information. There are a lot of times where Councilors are gathering information on their own and it would be helpful to get it to the entire Council. He has heard complaints that some Councilors didn't get all the information and he is confident that the Council can be better about that. Councilor Tracy mentioned that people ask Mr. Joseph or Ms. Yacoben for information and they respond appropriately to the people that asked for it and most likely cc: Jimmy. The rest of the Council does not see what questions were asked and what the answers are so as a general policy, if someone asks a question, unless there is a reason to keep it really narrow, the answer should be cc'd to everybody. She can see where it might stifle questions. This will not be having a discussion but simply sharing information. Mr. Joseph mentioned Councilors running into each other and sharing information. He would prefer to leave this issue up to the Town Attorney since he knows more about it. More discussion followed.

Chair Hendricks pointed out it is okay to say Jim, Kristina or Peter, I want to see more information and not wait until Tuesday night and say you needed it. Councilor DeGrandpre mentioned that there are some pieces missing in some of tonight's items. He noted that when he gets his agendas, he finds some background information is missing. Chair Hendricks noted he would talk to the Town Clerk about additional back-up information with the initial agenda. He also asked if the agendas could be provided one day earlier so that people will be in the office on Thursday. There was general agreement that this would be helpful.

Mr. Joseph provided the Election results on the RSU5 Withdrawal --Yes 953, No 768.

Councilor Tracy feels this is a big deal for Freeport and she wrote a goal and noted it needs to be messaged: to lead the Town through the process of developing the withdrawal agreement and leverage Town resources to provide the best information possible to residents. She mentioned that the withdrawal agreement does not require that we put together a Freeport-only budget but she heard that people really feel they need that to make an informed decision. She feels this is a place where the Town Council can come in and say "we think that even though it is not required by law, it is helpful to our citizens to make an informed decision and we are going to do that in addition to what is required under the Statute."

Councilor DeGrandpre noted it is important to reach out as a community to Pownal and Durham Selectmen to ask them to meet with us in an informal workshop to get a sense of what they are thinking in their communities. It is not about not liking them but rather how can we do this better?

Councilor Tracy had another goal suggestion: She often hears that the Council spends a lot of time looking at economic development and how to foster the business community but the Council hasn't spent a lot of time asking how it can support the residents in town? While she doesn't feel this accurate, she feels it makes sense to work on identifying action items that the Council can take or make to improve the quality of life for residents. This would include a preliminary assessment process of identifying what is important to people. While this was done at the District meetings, a lot centered on roads but she suspects there are other issues that also affect quality of life.

Councilor Egan pointed out that the Active Living Task Force is about the quality of life in Freeport. Almost 700 surveys were received for Active Living. She encouraged the Council to embrace this plan. She also feels keeping the tax rate stable should be the Council's goal.

Councilor DeGrandpre pointed out that Town Staff are not getting the credit they deserve. We are doing a lot of things but we are not raising a flag for conservation, open space, etc. We have taken advantage of grant opportunities.



Councilor Wellen suggested supporting our schools. Councilor Gleeson pointed out that our commissions have done quite a bit. He mentioned that the Council should ask how do we engage to let people know this is what we have done?

Chair Hendricks feels we need to go out and find what would people find helpful? What are we meeting? What are we lacking? More discussion followed.

Councilor Tracy suggested cataloging recent developments in the last 3-5 years that support quality of life, reaching out to residents and organizations to get diverse feedback and then perhaps a mailing. Leverage funding sources by a proactive plan to keep our eyes open for grant opportunities.

Councilor DeGrandpre pointed out that Dr. Brian Beale has secured a very large grant for work that will mostly be done in Freeport.

Councilor Egan suggested looking at ways to ensure that the people that have lived in Freeport for a long time and are on limited incomes can stay in Freeport. We continue to lose people that move to Durham and Pownal or further out. 2) Invest in open space. We have been doing great work to clean up the clam flats. There are a lot of communities around the country looking at climate change as a threat as well as an opportunity. She would love to see Freeport become a leader in transforming our communities. Adapt to the climate impacts that are coming our way. We have a pretty rocky coast that is fairly high up so we don't have as much threat to our coastal homes, but we do have some threat. There are other threats such as flooding and heat exposure. Communities thinking ahead are thinking about how to prepare residents to weather the impacts coming their way over time. We should be planning and zoning in a way that makes sense that protects our residents in the future. On the other side, we should pursue things that mitigate climate change. We have done tremendous work on our public buildings for energy efficiency. She would like to see what else we can do as a town to help be part of the solution for reducing emissions as well as preparing ourselves.

Councilor Wellen agreed that we should prepare for climate change and it would be good to have people thinking about it and preparing for it. He mentioned how the Council looks at budget items. He feels the Council should scrutinize better and get more data and whether we really need another \$750,000 fire engine and not accept what the business as usual has been for that. He wants to look at some big ticket items more closely. He plans to be doing cost benefit analysis and responsible budgeting in the future.

Councilor DeGrandpre pointed out that there are groups around Town that the Council doesn't hear from. Councilor Gleeson noted that open communications is important to him.

Chair Hendricks mentioned that he would put the notes together and will plan to discuss it again at the second meeting in January.

**MOVED AND SECONDED:** To adjourn at 10 p.m. (DeGrandpre & Egan) **VOTE:** (6 Ayes) (1 Excused - Sachs)

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Respectfully submitted,

Sharon Coffin, Council Secretary

**Town Council Meeting #26-13**  
**December 17, 2013**

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